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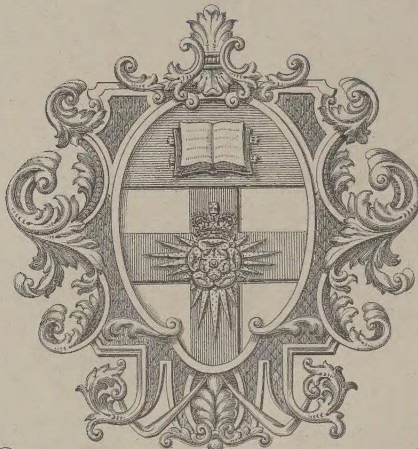

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ARRANGEMENT

OF

THE PAPERS

PRINTED BY ORDER

OF

THE HOUSE OF COMMONS,

Session 1836,

(N° 1. to N° 613.)

IN FIFTY VOLUMES:

SPECIFYING

THE NUMBER OF VOLUMES;

AND CONTAINING

THE TITLE PAGES, TABLES OF CONTENTS, AND OUTSIDE LABELS
TO EACH VOLUME;

WITH

A NUMERICAL LIST OF THE PRINTED PAPERS;

AND

A GENERAL ALPHABETICAL INDEX TO THE WHOLE:

TOGETHER WITH

A TABLE AND INDEX OF THE PUBLIC GENERAL ACTS
PASSED IN THIS SESSION.

4 *February*——20 *August* 1836.

6° & 7° WILL. IV.

SESS. 1836.

FIFTY VOLUMES.

VOLUME

1.—BILLS, PUBLIC :——SIX VOLUMES.

I.—(1.)—Admiralty Jurisdiction; Aliens; Arms; Assessed Taxes; Bankruptcy; Bastards; Benefices; Bills of Exchange; Births; Marriages; Bread; Burghs; Cape of Good Hope; Capital Punishments; Chancery; Charities; Church of England.

II.—(2.)—Cinque Ports; Civil Bill Courts; Coal Trade; College Lands; Commissary Court; Consuls; Conviction; Common Fields Inclosure; Common Law Courts; Constabulary; Copyholds; Copyright; Corporations.

III.—(3.)—County Boards; Divisions, Counties; Customs; Dean Forest; Deeds (Scotland); Descents; Dublin; Durham; Ecclesiastical Courts; Elections; Entailed Estates; Escheat; Exchequer; Excise.

IV.—(4.)—Factories; Fisheries; Grand Juries; Greek Loan; Hackney Carriages; Hat Manufacture; Highway Rates; Holyhead Roads; Horse Patrol, &c.; Insolvent Debtors; Jews; Lighthouses; Loan Societies, &c.; Malt; Medical; New South Wales, &c.; Oyster Fisheries; Paper Duties, &c.; Poor; Post Office; Prisoners' Council; Public Walks, &c.; Railways, &c.

V.—(5.)—Salmon Fisheries; School Rooms; Shetland; Session; Court; Shipping; Shire Halls; Slavery; Small Debts; Spirits; Stafford; Stamp Duties.

VI.—(6.)—Stannaries; Steam; Sugar Duties; Tenants; Tenements; Tithes; Trinity House (Hull); Turnpikes; Valuation of Lands; Vestries; Waste Lands; Western Australia; West Indies; Public Works.

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WITH

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AND,

6.—A GENERAL ALPHABETICAL INDEX TO THE WHOLE.

BILLS,

PUBLIC:

SIX VOLUMES.

—(1.)—

ADMIRALTY JURISDICTION

TO

CHURCH TEMPORALITIES (IRELAND).

Session

4 *February*——20 *August* 1836.

VOL. I.

1836.

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1836.

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7 *July* 1836.—7 WILL. IV.

A

BILL

For enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island, Singapore* and *Malacca.*

Preamble.

WHEREAS it is expedient that His Majesty's Court of Judicature of *Prince of Wales's Island, Singapore* and *Malacca* should have jurisdiction as a Court of Admiralty; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for His Majesty, by Charter or Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to grant and commit to the said Court of Judicature of *Prince of Wales's Island, Singapore* and *Malacca*, powers and authorities for the exercise of Admiralty Jurisdiction, to the same extent in all respects as His Majesty's Supreme Court of Judicature at *Fort William* in *Bengal* is now by virtue of any Charter or Acts of Parliament authorized to exercise any Admiralty Jurisdiction.

1.
Admiralty Jurisdiction existing at Fort William, extended to Prince of Wales's Island, &c.

And be it further Enacted, That when it shall please His Majesty to issue any Letters Patent by virtue of this Act, the Warrant for the Bill shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other person.

2.
Warrant to be countersigned by the President of Board of Commissioners for Affairs of India.

411.

Admiralty Jurisdiction,
(Prince of Wales's Island.)

A

B I L L

For enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island, Singapore* and *Malacca.*

(Prepared and brought in by
Sir John Hobhouse and Mr. Vernon Smith.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1836.

411.

A

B I L L

For the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of his late Majesty for that purpose.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

7 Geo. 4. c. 54.

WHEREAS in the seventh year of the reign of his late Majesty an Act was passed, intituled, "An Act for the Registration of Aliens:" And whereas it is expedient that the said Act should be repealed, and that provisions in respect of Aliens should be made in lieu of the regulations therein contained; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Act shall be and is hereby Repealed.

repealed.

2.

Masters of Vessels arriving from Foreign Parts to declare what Aliens are on board, or have landed.

And be it further Enacted, That the Master of every Vessel which, after the commencement of this Act, shall arrive in this Realm from Foreign Parts, shall immediately on his arrival declare in writing to the Chief Officer of the Customs at the Port of Arrival, whether there is, to the best of his knowledge, any Alien on board his Vessel, and whether any Alien hath, to his knowledge, landed therefrom at any place within this Realm; and shall in his said declaration specify the number of Aliens (if any) on board his Vessel, or who have, to his knowledge landed therefrom, and their names, rank, occupation and description, as far as he shall be informed thereof; and if the Master of any such Vessel shall refuse or neglect to make such declaration, or shall make a false declaration, he shall for every such offence forfeit the sum of *Twenty* Pounds, and the further sum of *Ten* Pounds for each Alien who shall have been on board at the time of the arrival of such Vessel, or who shall have

Penalty for omission, or for false declaration.

to his knowledge landed therefrom, within this Realm, whom such Master shall wilfully have refused or neglected to declare; and in case such Master shall neglect or refuse forthwith to pay such penalty, it shall be lawful for any Officer of the Customs and he is hereby required to detain such vessel until the same shall be paid: Provided always, That nothing hereinbefore contained shall extend to any Mariner actually employed in the navigation of such vessel during the time that such Mariner shall remain so actually employed.

Not to extend to Foreign Mariners navigating the Vessel.

3. Alien on arrival from Abroad to declare his Name, Description, &c. and produce his Passport.

And be it further Enacted, That every Alien who shall after the *commencement of this Act* arrive in any part of the United Kingdom from Foreign Parts, shall immediately after such arrival present and show to the Chief Officer of the Customs at the port of debarkation, for his inspection, any passport which shall be in his or her possession, and declare in writing to such Chief Officer, or verbally make to him, a declaration, to be by him reduced into writing, of the day and place of his or her landing, and of his or her Name; and shall also declare to what country he or she belongs, and is subject, and the country and place from whence he or she shall then have come, and the place within this Realm to which he or she is then going, which declaration shall be made in or reduced into such form as shall be approved by one of His Majesty's Principal Secretaries of State; and if any such Alien coming into this Realm shall neglect or refuse to present and show his or her passport, or if he or she shall neglect or refuse to make such declaration, he or she shall forfeit the sum of *Ten* Pounds.

4. Officer of Customs to register the Declaration, and deliver a Certificate to the Alien.

And be it further Enacted, That the Officer of the Customs to whom such passport shall be shown and declaration made, shall immediately register such declaration in a book to be kept by him for that purpose (in which book certificates shall be printed in blank, and counterparts thereof, in such form as shall be approved by one of His Majesty's Principal Secretaries of State), and shall insert therein the several particulars by this Act required in proper columns, in both parts thereof, and shall deliver *One* part thereof to the Alien who shall have made such declaration.

5. Officer of Customs to transmit Declaration, &c. to Secretary of State.

And be it further Enacted, That the Chief Officer of the Customs in every Port shall within *Two* Days transmit a true copy of the declaration of every Master of a Vessel, and a true copy of every such certificate, if in Great Britain, to one of His Majesty's Principal Secretary's of State, and if such Alien shall have arrived from any foreign country in Ireland, he shall transmit a true copy of such declaration and of such certificate to the Chief Secretary for Ireland.

6.
Certificate of Alien departing the Realm to be transmitted to Secretary of State.

And be it further Enacted, That any Alien about to depart from this Realm shall, before his or her embarkation, deliver any certificate which he or she shall have received under the provisions of this Act to the Chief Officer of the Customs at the port of departure, who shall insert therein that such Alien hath departed this Realm, and shall forthwith transmit the same to one of His Majesty's Principal Secretaries of State, or to the Chief Secretary for Ireland, as the case may be, in like manner as hereinbefore is directed in respect to the certificate given to an Alien on his or her arrival in this Realm.

7.
New Certificates to be issued in lieu of such as are lost.

And be it further Enacted, That if any Certificate issued to any Alien by virtue of this Act shall be lost, mislaid or destroyed, and such Alien shall produce to one of His Majesty's Justices of the Peace proof thereof, and shall make it appear to the satisfaction of such Justice that he or she hath duly conformed with this Act, it shall be lawful for such Justice, and he is hereby required, to testify the same under his hand, and such Alien shall thereupon be entitled to receive from one of His Majesty's Principal Secretaries of State, or from the Chief Secretary for Ireland, as the case may be, a fresh Certificate, which shall be of the like force and effect as the Certificate so lost, mislaid or destroyed.

8.
Certificate to be granted without Fee.

And be it further Enacted, That all Certificates hereinbefore required to be given shall be given without fee or reward whatsoever; and every person who shall take any fee or reward of any Alien or other person, for any certificate, or any other matter or thing done under this Act, shall forfeit for every such offence the sum of *Twenty* Pounds; and every Officer of the Customs who shall refuse or neglect to make such entry as aforesaid, or grant any Certificate thereon in pursuance of the provisions of this Act, or shall knowingly make any false entry, or neglect to transmit the copy thereof, or to transmit any declaration of the master of a vessel, or any declaration of departure in manner directed by this Act, shall forfeit for every such offence the sum of *Twenty* Pounds.

Penalty.

9.
Penalty for forging Certificates, &c.

And be it further Enacted, That if any person shall wilfully make or transmit any false declaration, or shall wilfully forge, counterfeit or alter, or cause to be forged, counterfeited or altered, or shall utter, knowing the same to be forged, counterfeited or altered, any Declaration or Certificate hereby directed, or shall obtain any such certificate under any other name or description than the true name and description of the Alien intended to be named and described, without disclosing to the person granting such Certificate the true name and description of such Alien, and the reason for concealing the same, or shall falsely pretend to be the person intended to be named and described in any such Certificate;

every person so offending shall, upon conviction thereof before *Two* Justices, either forfeit any sum not exceeding *One hundred* Pounds, or be imprisoned for any time not exceeding *Three* calendar Months, at the discretion of such Justices.

10.
Prosecution of Offences.

And be it further Enacted, That all offences against this Act shall be prosecuted within *Six* calendar Months after the offence committed; and all such offences shall be prosecuted before *Two* or more Justices of the Peace of the place where the offence shall be committed, who are required, in default of payment of any pecuniary penalty, to commit the offender to the common gaol for any time not exceeding *One* calendar Month, unless the penalty shall be sooner paid, where such penalty shall not exceed the sum of *Twenty* Pounds, and forthwith to report to one of His Majesty's Principal Secretaries of State, or to the Chief Secretary for Ireland, as the case may require, the conviction of every offender under this Act, and the punishment to which he is adjudged; and no writ of certiorari, or of advocation or suspension, shall be allowed to remove the proceedings of any Justices touching the cases aforesaid, or to supersede or suspend execution or other proceeding thereupon.

11.
Not to affect Foreign Ministers or their Servants;

nor Aliens who have been resident Three years, and obtained Certificate thereof, nor Alien under Fourteen years.

Provided always, and be it further Enacted, That nothing in this Act contained shall affect any Foreign Ambassador, or other Public Minister duly authorized; nor any domestic servant of any such Foreign Ambassador or Public Minister, registered as such according to law, or being actually attendant upon such Ambassador or Minister; nor any Alien who shall have been continually residing within this Realm for *Three* Years next before the *passing of this Act*, or who shall hereafter at any time complete such residence of *Three* Years, and who shall have obtained from one of His Majesty's Principal Secretaries of State, or from the Chief Secretary for Ireland, a certificate thereof; nor any Alien in respect of any Act done or omitted to be done, who shall be under the age of *Fourteen* Years at the time when such act was so done or omitted to be done: Provided always, That if any question shall arise whether any person alleged to be an Alien, and to be subject to the provisions of this Act, is an Alien or not, or is or is not subject to the said provisions, or any of them, the proof that such person is, or by law is to be deemed to be a natural-born subject of His Majesty, or a denizen of this Kingdom, or a naturalized subject, or that such person, if an Alien, is not subject to the provisions of this Act, or any of them, by reason of any exception contained in this Act or otherwise, shall lie on the person so alleged to be an Alien, and to be subject to the provisions of this Act.

And

12. Time of Act coming into effect.

And be it further Enacted, That this Act shall commence and take effect from and after the   day of   in the present year.

13. May be altered during the present Session.

And be it further Enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Alien Registration.

A

BILL

For the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the reign of his late Majesty for that purpose.

(Prepared and brought in by
Lord John Russell, Mr. Chancellor of the
Exchequer, and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
28 *March* 1836.

139.

5 *July* 1836.—7 Will. IV.

(Ireland.)

A

BILL

To continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the Importation and Keeping of Arms and Gunpowder in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble: 47 Geo. 3. sess. 2. c. 54.

50 Geo. 3. c. 109.

10 Geo. 4. c. 47.

WHEREAS an Act was passed in the forty-seventh year of the reign of his Majesty King George the Third, intituled, "An Act to prevent improper Persons from having Arms in Ireland," to continue in force for a limited period; which Act was by another Act passed in the fiftieth year of his said Majesty's reign continued and amended; and such Acts, having been continued, were by another Act passed in the tenth year of the reign of His Majesty King George the Fourth amended and further continued until a time when the same expired:

1 & 2 Will. 4. c. 47.

And whereas by another Act passed in the first and second years of His present Majesty's reign, the said recited Acts were revived and continued:

2 & 3 Will. 4. c. 70.

4 & 5 Will. 4. c. 53.

And whereas by two other Acts passed respectively in the second and third and fourth and fifth years of the reign of His present Majesty, such Acts have been further continued, and will remain in force until the End of this present Session of Parliament; and it is expedient that the said Acts should be further continued;

BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said recited Act of the forty-seventh year of the reign of his Majesty King George the Third, as the said Act is amended by the said recited Act of the fiftieth year of the same reign, and by the said recited Act of the tenth year of the reign of his late Majesty King George the Fourth, and as the said Acts were revived by the said recited Act of the first and second years of the reign of His present Majesty, shall be and the said Acts are hereby continued, and shall be and remain in force for the term of *One Year* from the *passing of this Act*, and thenceforth until the *End of the then next Session of Parliament.*

1 Will. 4. c. 44.

AND whereas an Act was passed in the first year of the reign of His present Majesty, intituled, "An Act to regulate for One Year the Importation of Arms, Gunpowder and Ammunition into Ireland, and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in Ireland;" and such Act having been continued from time to time, will remain in force until the End of this present Session of Parliament, and it is expedient that the said Act should be further continued; BE it therefore Enacted, That the said recited Act of the first year of the reign of His present Majesty shall be and the said Act is hereby continued, and shall be and remain in force for the term of *One Year* from the *passing of this Act*, and thenceforth until the *End of the then next Session of Parliament.*

Arms (Ireland).

A

BILL

To continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the Importation and Keeping of Arms and Gunpowder in Ireland.

(Prepared and brought in by Lord Viscount Morpeth and Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
5 July 1836.

407.

11

23 *July* 1836.—7 Will. IV.

A

B I L L

For granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain cases, and to regulate the charging of the Duty payable for taking or killing Game, in Great Britain, and to provide for the Collection of certain Local Taxes in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

WHEREAS it is expedient to grant relief from certain of the Duties of Assessed Taxes in the several cases herein after particularly mentioned; BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT upon all Assessments made or to be made for any year commencing from or at any time after the *Fifth* day of *April One thousand eight hundred and Thirty-six*, the Duties of Assessed Taxes granted and now payable under Schedule (D.), Number 3, of two several Acts passed respectively in the forty-eighth and fifty-second years of the reign of King George the Third, upon or in respect of Carriages with four wheels kept for the purpose of being let to hire, with horses to be used therewith, as in the said Schedule is mentioned, shall, so far as the same relate to any such Carriage drawn by one horse, mare, gelding or mule, cease and determine, and in lieu thereof there shall be granted and paid upon or in respect of every such Carriage so drawn as last aforesaid, the reduced annual duty of *Four Pounds Ten Shillings*, which said reduced Duty shall be assessed, raised, levied, collected and paid in like manner, and under and subject to the like rules, regulations and conditions as the Duties now in force.

1.
Duties on four-wheeled Carriages let to hire, and drawn by One Horse, reduced.

2.
3 & 4 W. 4. c. 39, s. 5.

AND whereas by an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to reduce certain of the Duties on Dwelling-houses, and to repeal other Duties of Assessed Taxes," exemptions were granted from the Duties of Assessed Taxes for and in respect of certain Carriages with less than four wheels, constructed and used as therein described: AND whereas it is expedient to give further relief by granting a more extended exemption in lieu thereof, as hereinafter mentioned; BE it therefore Enacted, That upon all such Assessments as aforesaid, the said exemptions contained in the said last recited Act for and in respect of any Carriages with less than four wheels, shall be and the same are hereby repealed, and in lieu thereof there shall be granted the following exemption, (that is to say) no Duty of Assessed Taxes shall be charged or chargeable for or in respect of any Carriage with less than four wheels, kept by any person for his or her own use, and not for hire or profit (except for the conveyance of Prisoners or Paupers, as hereinafter mentioned), and drawn by one horse, mare, gelding or mule only, and not otherwise, whatever may be the form or construction of such Carriage, or the materials with which the same shall be built or fitted up; provided that the price of such Carriage, together with the cushion or cushions, and every or any other article or thing used therewith or belonging thereto, shall not have exceeded, or the value thereof shall not at any time exceed the sum of *Twenty-one* Pounds; and provided also, that such Carriage shall have the christian name and surname, and place of abode and occupation or calling of the owner, and of every owner thereof, painted in words at length and in legible and conspicuous Roman letters or characters, *Two* Inches at the least in height, and of a proper and proportionate breadth, in one or more straight and horizontal line or lines, in white upon a black ground, or in black upon a white ground, on a plain and even sarface on the outside of such Carriage, that is to say, upon the back part of the body thereof, or if there shall be no such back part, then upon the panel on the right or off side of the body; or if there shall be no such panel, then upon some other conspicuous part of such side; or if there be no such side, then upon the outer part of the right or off side shaft; and in such plain and conspicuous manner that the same shall be at all times visible and legible.

Former exemptions in respect of certain Carriages with less than Four Wheels, and drawn by One Horse, repealed, and more extended exemption granted in lieu thereof.

3.
Carriages, Horses and Drivers used in conveying Prisoners or Paupers, exempted from the Duties of Assessed Taxes.

And be it Enacted, That no Carriage of any description whatsoever, nor any Horse or Horses drawing the same, nor any Person employed to drive such Horse or Horses, shall be charged or chargeable with any of the Duties of Assessed Taxes, on account or by reason of such Carriage being used for hire or profit, or otherwise, in conveying any Prisoner or Prisoners to or from any prison, or in conveying any Pauper or Paupers at the expense of any parish, township or union, or of any person who may have contracted with any parish, township or union, for the conveyance of Paupers.

4. Drivers of Carriages let to hire by persons licensed to let Horses for hire, exempted.

AND whereas by the said Act passed in the fifty-second year of the reign of his Majesty King GEORGE the Third, Schedule (C.) Number 1, the Duties thereby granted and made payable for Male Servants are declared to extend to all Servants employed in any of the capacities therein mentioned, except, amongst others, the Drivers employed by persons licensed to sell wine, ale or other liquor by retail, to drive their Carriages with horses let out to hire, and it is expedient to grant relief from such Duties for all such Drivers, whether employed by such licensed persons or not; BE it therefore Enacted, That upon all such assessments as aforesaid, the said last-mentioned Duties shall not be charged or chargeable for or upon any Driver employed by any person duly licensed to let horses for hire, to drive his Carriage or Carriages with a horse or horses let out to hire, in such manner that the Duty on horses let for hire shall be payable by law in respect of the horse or horses so let out to hire with every such Carriage.

5. General Officers and Officers of the Staff in the Army exempted from the Duties of Assessed Taxes in respect of the Soldiers allowed to be employed by them as Servants by the Regulations of the Service.

AND whereas it is expedient that the Soldiers allowed by the regulations of the public service to be employed as Servants by General Officers, and Officers of the Staff in the Army, should not be chargeable to such Officers with the Duties of Assessed Taxes; BE it therefore Enacted, That upon all such assessments as aforesaid, all General Officers and all Officers of the Staff in the Army shall be exempt from the Duties of Assessed Taxes for so many Male Servants, being actually Soldiers in the Army, employed by such Officers respectively, as are or may be allowed to them respectively by the regulations of the public service, in whatever capacity such Soldiers may have been or may be employed, and without regard to any other Male Servants retained or kept by such Officers, and for which they may be respectively liable to be assessed; provided that all such Servants, for which such exemption as aforesaid is hereby granted, shall be duly returned to the Assessor, and the said exemption shall be claimed in the manner directed by the laws in force with regard to other exemptions from the Duties of Assessed Taxes.

6. Exemption granted by 52 G. 3. c. 93, to Officers of the Navy under the rank of a Master and Commander for One Servant, extended to all Officers of

AND whereas under and by virtue of the said Act of the fifty-second year of the reign of King GEORGE the Third, exemption from the Duties payable for Male Servants retained or employed in the several capacities mentioned in Schedule (C.), Numbers 1 and 2, to the said Act annexed, is granted to every Officer in his Majesty's Navy under the rank of a Master and Commander in actual employ, for One Servant borne upon the books of the Ship to which such the Navy, of whatever rank, for any servants borne on the Books of their Ships.

Officer shall belong: And whereas it is expedient to extend the said exemption in the manner hereinafter mentioned; BE it therefore Enacted, That upon all such Assessments as aforesaid the said exemption shall be and is hereby extended and granted to every Officer of His Majesty's Navy, of whatever rank, in actual employ, for any number of Servants borne upon the books of the Ship to which such Officer shall belong and employed by him, in whatever capacity any such Servant may be employed, and without regard to any other Male Servants retained or kept by such Officer, and for which he may be liable to be assessed: Provided always, That all such Servants shall be duly returned to the Assessor, and the exemption claimed in the manner directed by law with regard to other exemptions from the Duties of Assessed Taxes.

7.
Carriages for carrying Passengers travelling at a rate less than Four Miles an hour, not to be deemed Stage Carriages.

AND whereas by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to repeal the Duties under the care and management of the Commissioners of Stamps on Stage Carriages and on Horses let for hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto," it is enacted, that every Carriage used or employed as therein mentioned, and which, when passing along any highway or other road, shall travel at the rate of Three Miles or more in the hour, shall be deemed and taken to be a Stage Carriage within the meaning of the said Act, provided as therein also mentioned: And whereas it is expedient to permit certain Carriages to travel at a rate exceeding Three Miles in the hour without being deemed to be Stage Carriages; BE it therefore Enacted, That from and after the *passing of this Act*, no Carriage shall, by reason of the rate of travelling, be deemed or taken to be a Stage Carriage within the meaning of the said Act, unless the same shall travel at the rate of *Four* Miles or more in the hour.

8.
Recital of 5 G. 4. c. 44, s. 7.

AND whereas by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for allowing Persons to compound for their Assessed Taxes, for the remainder of the periods of Composition limited by former Acts; and for granting Relief in certain cases," the Inspectors or Surveyors acting in the execution of the Acts relating to the Duties of Assessed Taxes are authorized and empowered to charge, according to the provisions of the said Acts, any person chargeable with the Duty payable by persons in respect of their taking or killing Game, or doing other acts by which they are rendered liable to the said Duty, and who shall have omitted to pay the said Duty, and obtain a Certificate as by the said Acts directed, without any previous information and conviction of the Offender in the penalty for any such offence, provided every such charge be made within the period limited by the said Acts, and in the single Duty only: And whereas doubts have arisen as to the period limited by the said Act for making any such last-mentioned charge, and it is expedient to remove such doubts, and to amend the said last-recited enactment in the manner hereinafter mentioned; BE it therefore Enacted, That where any person who shall be chargeable with the said Duty payable by persons in respect of their taking or killing Game, or doing other acts by which they are rendered liable to the said Duty, shall omit to pay the said Duty, or to obtain a Certificate as by the said Acts is directed, it shall be lawful for any such Inspector or Surveyor as aforesaid to charge any such person with the said Duty, at any time on or before the *Fifth* day of *April* next after such person shall have become so chargeable, and whether such person shall have been previously convicted of any such offence as aforesaid or not, subject nevertheless to appeal, according to the provisions and directions of the said Acts; and upon every such charge as last aforesaid, which shall be allowed or confirmed by the said Commissioners of Taxes, the Assessment shall be made in *double* the rate of Duty chargeable; and it shall not be lawful for the said Commissioners to remit or strike off any part of the said *double* Duty; any thing in this Act, or in any other Act or Acts contained to the contrary in anywise notwithstanding.

Surcharges for the Game Certificate Duty to be made on or before the 5th April next after the Duty is incurred.

Assessments thereon to be made in Double Duty.

9.
Local Taxes in Scotland heretofore collected by the Collector of the Land Tax, to be collected by the Collectors of County Rates.

AND whereas by law the appointment of Collectors of Land Tax in Scotland is now vested in the Lords Commissioners of His Majesty's Treasury, and by certain Statutes it is provided that the collection of certain local Taxes should be made by Collectors of the Land Tax, and it is expedient in such local matters to substitute the Collectors of County, City and Town Rates respectively for the Collectors of the Land Tax; BE it therefore Enacted, That with respect to all local Taxes and other local matters and duties in Scotland, not affecting His Majesty's Revenue as to which the Collector of the Land Tax is mentioned, or has matters or things to do, or has powers granted to him, such matters or things shall be and are hereby required to be done by, and such powers shall be and are hereby granted to the principal Collector or Collectors, or Officer or Officers, of the nature of principal Collector or Collectors of County, City or Town Rates respectively, as fully and effectually to all intents and purposes as if in such Statutes respecting local matters the words principal Collector of County, City or Town Rates respectively, or Officer of the nature of such principal Collector, had been inserted as to such local matters, instead of the words Collector of the Land Tax, or other words descriptive of the office of Collector of the Land Tax:

Appointment of Collectors of County Rates in Scotland declared to be vested in the Commissioners of Supply.

Provided also, and be it Declared, That, notwithstanding the transfer of the appointment of Collectors of the Land Tax in Scotland to the said Lords Commissioners of His Majesty's Treasury, the Commissioners of Supply or other persons by whom Collectors of the Land Tax were appointed before such transfer, continue to have and have full power to appoint Collectors and other Officers in regard to the County, City or Town Rates formerly collected by Collectors of the Land Tax; and such Collectors of County, City or Town Rates, and other Officers, shall have in regard to such Rates all the powers exercised in regard to such Rates by the Collectors of the Land Tax.

10.
Counties and Burghs in Scotland not to be liable for any deficiency in the Land or Assessed Taxes, occasioned by the failure or default of the Collectors appointed by the Commissioners of the Treasury.

AND whereas the Collectors of the Land and Assessed Taxes in Scotland are now appointed by the Lords Commissioners of His Majesty's Treasury, and doubts have arisen touching the liability of the several Counties and Burghs in Scotland charged with the raising, collecting and paying over of the said Taxes to answer for the failure or default of such Collectors so appointed; and it is just and reasonable that such Counties and Burghs should be relieved from such liability as aforesaid, and that all doubts touching the same should be removed; BE it therefore Enacted and Declared, That no County or Burgh in Scotland shall be liable to make good, or to be assessed or re-assessed for any defalcation or deficiency in the collection of the Land Tax or Assessed Taxes, which shall or may be occasioned by the failure or default of any Collector or Collectors appointed or to be appointed as aforesaid.

11.
Act may be altered or repealed this Session.

And be it Enacted, That this Act may be altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Assessed Taxes.

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BILL

For granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain cases, and to regulate the charging of the Duty payable for taking or killing Game, in Great Britain, and to provide for the Collection of certain Local Taxes in Scotland.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and
Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1836.

476.

15 *July* 1836.—7 WILL. IV.

A

B I L L

To Amend the Law relating to Bankrupts.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS complaints have been made that Property to a considerable amount belonging to the Estates of Bankrupts has not been collected under Commissions or Fiats in Bankruptcy, which have heretofore issued and been directed to Commissioners in the country, or if collected, has not always been applied to the use of the persons entitled to the same:

And whereas the usual proceedings to recover the same cannot be instituted by Creditors except at great expense, by reason whereof such property may be misapplied; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for the Lord Chancellor to issue from time to time as to him may seem proper, by instrument in writing under his hand, *One* or more Commission or Commissions, each directed to some one Commissioner, being one of the Commissioners of the Court of Bankruptcy, or being a person qualified to be a Commissioner of that Court, to act for such county or counties, district or districts, as to the Lord Chancellor may seem fit; and it shall be lawful for the Lord Chancellor to name *One* fit person to attend each such Commissioner as his Registrar, and *One* or more person or persons to act as Official Assignee or Assignees to such Commissioner; and such Commissioner so to be appointed shall be and he is hereby authorized to examine the proceedings under any Commission or Fiat in Bankruptcy already issued or hereafter to be issued, and to proceed in the discovery of property belonging to any Bankrupt's estate within the district to

1.
Power to Lord Chancellor to appoint District Commissioners to inquire into Commissions and Fiats executed in the Country.

which such Commission may extend, and to ascertain what part of such estate has been received, and how the same has been applied, and what dividends have been ordered, and what payments have been made thereon; and for these purposes such Commissioner shall possess all the powers for the purpose of compelling the attendance of Bankrupts and Witnesses, and for examining them on their oaths; and all powers of committal and other powers which are now possessed by the major part of the Commissioners to whom any such Commission or Fiat may have been directed, or which would have been possessed by them in case such Commissioners were now in existence, and such Commission or Fiat were in a course of prosecution.

2.
Commissioners to report to Lord Chancellor the Proceedings on such Commission.

And be it further Enacted, That every Commissioner appointed under the powers of this Act, shall from time to time report to the Lord Chancellor the nature and result of any proceedings taken by him by virtue of any such Commission, and the Lord Chancellor may thereupon order any monies which any such Commissioner may find to have been received or which may be received under any Commission or Fiat to be paid into the Bank of England in the name of the Accountant in Bankruptcy to the credit of an account to be intituled, "The Country Bankrupts' Account," subject to the order of the Lord Chancellor, who is hereby authorized to make such order for the distribution thereof or otherwise in relation thereto as the exigency of the case may require.

3.
Duties and Powers of Official Assignees.

And be it further Enacted, That it shall be lawful for any Commissioner to be nominated as aforesaid to appoint the person or any one of the persons nominated for that purpose by the Lord Chancellor, as hereinbefore is mentioned, to act as Official Assignee for the estate of any Bankrupt against whom any Commission or Fiat shall have issued or shall hereafter issue within the district of said Commissioner, and as to whose estate the said Commissioner may think that an Official Assignee ought to be appointed; and from and after such appointment all the personal estate and effects and the rents and profits of the real estate and the proceeds of the sale of all the estate and effects real and personal of the Bankrupt, shall in every case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by such Commissioner; and all Stock in the public Funds or any public company, and all bills, notes and other negociable instruments, shall be forthwith transferred, delivered, remitted and paid by such Official Assignee into the Bank of England, to the credit of the Accountant in Bankruptcy, to be subject to such orders, rules and regulations for the keeping of the account of the said monies and other effects, and for the payment and delivery in investment and payment and delivery out of the same as the Court of Review by any general order to be made with the approbation of the Lord Chancellor shall direct, and if any such Assignee shall neglect to make such transfer, delivery or payment, every such Assignee shall be liable be to charged in such manner as by an Act passed in the first and second years of the reign of His present Majesty, intituled, "An Act to establish a Court in Bankruptcy," is directed or provided in cases of neglect by Assignees to invest money in the purchase of Exchequer Bills when directed so to do: Provided always, That where no Assignee shall have been chosen by the Creditors of any Bankrupt, or where Assignees shall have been chosen and all of them shall be dead, or shall thereafter die, or shall have been or shall be removed from, or shall have resigned, or shall resign such office, such Official Assignee so to be appointed as aforesaid shall be enabled to act as, and shall be deemed to be to all intents and purposes whatsoever, a sole Assignee of each such Bankrupt's estate and effects.

4.
Real and Personal Estate, how to vest in Official Assignees.

And be it Enacted, That all real and personal estate of any Bankrupt or Bankrupts shall from and after the appointment of any Official Assignee to any such Bankrupt's estate be vested in such Assignee, in such manner as is prescribed by the said before-mentioned Act with respect to official Assignees therein mentioned; and such Official Assignee shall have full power and authority to sell and convert the same into money, and to collect in the same as to him shall seem fit.

5.
Distribution of Estates without Official Assignees.

And be it Enacted, That in case of any Bankrupt's estate in which it shall not appear to such Commissioner necessary or expedient to appoint any Official Assignee, it shall be lawful for such Commissioner and he is hereby required to direct the sale and getting in and declare a distribution of such Bankrupt's estate and effects to and amongst the Creditors entitled to the same by any existing Assignee or Assignees, in such manner as to him the said Commissioner shall seem fit.

6.
Remuneration to Official Assignees.

And be it Enacted, That every such Official Assignee shall be remunerated for the trouble and expenses attendant upon the duties of his office out of the Estate of any Bankrupt committed to his charge, in such manner and to such extent as shall be prescribed by any general rule or order by the Court of Review, to be approved and sanctioned by the Lord Chancellor.

7.
Allowances to Commissioners.

And be it further Enacted, That there shall be paid to every Commissioner and every Registrar acting under the powers of this Act, for the period during which he shall so act, the sums of money hereinafter mentioned; (that is to say) to every Commissioner not being a Commissioner of the Court of Bankruptcy, a sum at the rate of   Pounds per annum, for the period during which he shall be so employed; and to every Commissioner of the Court of

Bankruptcy at the rate of Pounds per annum for the period during which he shall be so employed, in addition to his salary as such Commissioner of the Court of Bankruptcy; to every Registrar not being a Registrar or Deputy Registrar of the Court of Bankruptcy, a sum at the rate of Pounds per annum for the period during which he shall be so employed; and to every Registrar or Deputy Registrar of the Court of Bankruptcy, a sum at the rate of Pounds per annum for the period during which he shall be so employed, in addition to his salary as such Registrar or Deputy Registrar of the Court of Bankruptcy.

8.
Expenses to be paid.

And be it further Enacted, That in addition to the said salaries there shall be paid to every such Commissioner and Registrar, as and for his travelling and other needful expenses under this Act, such sum of money as the Court of Review by any order of the said Court may direct.

9.
Fees to be received by Registrars.

And be it further Enacted, That there shall be paid out of the assets of every Bankrupt the sum of Pounds for every meeting or adjourned meeting in the affairs of such Bankrupt held by any Commissioner acting under this Act; which sum shall be received by the Registrar acting under such Commissioner, and be by him paid into the Bank of England in the name of the said Accountant in Bankruptcy to the credit of the said Account, intituled, "The Secretary of Bankrupts' Account."

10.
How Salaries and Expenses to be paid.

And be it further Enacted, That it shall be lawful for the Lord Chancellor to order that all sums payable to any such Commissioner or Registrar for salaries or expenses aforesaid, shall be paid out of the monies in the Bank of England now or hereafter to be standing in the name of the Accountant in Bankruptcy to the Account, intituled, "The Secretary of Bankrupts' Account."

11.
The Lord Chancellor to cause Returns to be made to the House of Commons.

And be it further Enacted, That the Lord Chancellor shall *Once* in every year cause a Return to be made to the House of Commons, specifying therein the amount of the sums reported by each Commissioner, and the sums paid to or retained by any Commissioner or Registrar, or any Official Assignee or other Officer acting under him, for remuneration or expenses.

12.
Taxing Officers to be appointed.

AND whereas it is expedient that there should be an uniform system of taxing Solicitors' Bills in matters of Bankruptcy; BE it therefore Enacted, That so much of the Act passed in the sixth year of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend the Laws relating to Bankrupts," as relates to ascertaining Costs and settling Bills of Fees or Disbursements of any Attorney or Solicitor, by the Commissioners or by a Master in Chancery, shall be and the same is hereby repealed; and that the Lord Chancellor may appoint *One* or more of the Registrars or Deputy Registrars of the Court of Bankruptcy, or such other person or persons as he may think fit, to tax all the Bills of Costs under Commissions or Fiats in Bankruptcy not prosecuted in the Court of Bankruptcy, and that such person or persons so appointed shall be called the "Taxing Officer or Officers in matters of Bankruptcy;" and every Attorney or Solicitor who may produce any Bills of Costs to be taxed by any such Taxing Officer, shall pay to such Taxing Officer for taxing the same, such sum as the said Court of Review may from time to time by any general order with the approbation of the Lord Chancellor direct; and if any Creditor of any Bankrupt shall be dissatisfied with any settlement of Bills of Costs heretofore taxed or allowed by the Commissioners in any Bankruptcy not prosecuted in the Court of Bankruptcy, it shall be lawful for the Court of Review, on application of such Creditor, to order such Bills of Costs to be re-taxed by one of such Taxing Officers; and no Solicitor or Attorney shall demand, sue for or receive payment from any Assignee or Assignees of any Bankrupt's estate of any Bill of Costs for business done or to be done by him in any matters relating to Bankruptcy or the estates of Bankrupts, without first obtaining thereto the Allocatur of one such Taxing Officer; nor shall any Commissioner or Commissioners allow any item or charge for any payment made in respect of any such business in auditing the Accounts of any Assignee or Assignees without the production of such Allocatur.

13. Equitable Mortgages.

And be it further Enacted, That every Commissioner of the Court of Bankruptcy and every Commissioner to be appointed under this Act, and the majority of Commissioners named in any Fiat in Bankruptcy to be executed in the country, shall have the same jurisdiction with respect to equitable mortgages as Commissioners acting in Bankruptcy now have with respect to legal mortgages.

14. Lord Chancellor empowered to make order and to keep Accounts at the Bank.

And be it further Enacted, That the Bank of England, instead of keeping separate accounts with each Bankrupt's estate, may, if the Lord Chancellor shall by order so direct, keep only one general banking account, or only such accounts as in any such order to be from time to time made, shall be specified.

15. Power to purchase and sell Exchequer Bills and other Securities.

And it is hereby further Enacted, That for the purpose of keeping, as nearly as may be, a regular cash balance in the Bank of England, arising from sums paid and had in matters of Bankruptcy, it shall be lawful for the Lord Chancellor from time to time to order and direct, by any special or general order, that Exchequer Bills or other public securities may be bought or sold by the Governor and Company of the Bank of England, and that the purchase money for any such securities, and the produce thereof, if sold, shall be paid out of or into any fund standing in the name of the said Accountant in Bankruptcy, as the said Lord Chancellor shall by any such order direct.

16. Provision for Expenses of the Office of the Accountant in Bankruptcy.

AND whereas it may be expedient to appoint one or more additional Clerks in the office of the Accountant in Bankruptcy, for the purpose of establishing a sufficient check on the accounts in the said office, and the sum now allowed for the salaries and expenses of the said office may be insufficient for those purposes; BE it Enacted, That it shall be lawful for the Lord Chancellor, if to him it shall appear necessary, to appoint one or more additional Clerk or Clerks and one or more Messenger or Messengers in the office of the said Accountant; and in addition to the annual sum of One thousand Pounds now allowable to the Clerks of the Accountant in Bankruptcy, and to defray the charges of stationery and other expenses of the said office, to order the payment in any one year of any sum or sums for the salaries of the said Clerks, and the discharge of such expenses as to him may seem proper, provided that such sum or sums do not in the whole exceed in any one year the sum of *One thousand Five hundred* Pounds.

17. Appropriation of Surplus Fees receivable by the Secretary of Bankrupts.

And be it further Enacted, That the surplus Fees authorized to be received by the First Schedule of Fees contained in the Act passed in the first and second years of the reign of His present Majesty, intituled, "An Act to establish a Court in Bankruptcy," shall no longer be retained by the Secretary of Bankrupts for his own use, but shall be paid by him into the Bank of England, to the credit of the Accountant in Bankruptcy, to the Account, intituled, "The Secretary of Bankrupts' Account," and be applicable to all the purposes of the said Account.

18. Official Assignees not liable for Costs.

AND whereas Official Assignees of the Estates of Bankrupts are deemed to be necessary parties to proceedings in Courts of Justice, in which the estates of Bankrupts are interested, and as such are responsible for Costs jointly with the Assignees or Assignee chosen by the Creditors, and it is fit that they should be exempt from all liability for Costs where they sue or are sued jointly with the Assignee or Assignees chosen by the Creditors; BE it Enacted, That wherever an Official Assignee sues or is sued jointly with the Assignee or Assignees chosen by the Creditors, he shall not be liable to pay Costs to the opposite party or to the Solicitor or Attorney employed by the Assignees, but that the Assignees or Assignee chosen by the Creditors shall alone be liable to pay such Costs.

19. Power to Commissioners to commit for riot or obstruction.

And it is hereby further Enacted, That every Commissioner of the Court of Bankruptcy, and every Commissioner to be appointed under this Act, shall have full power, and he is hereby authorized to commit to custody in any prison for any term not exceeding *One* Month any person who shall be guilty of any riot or disturbance in any Court held by such Commissioner, or who shall interrupt or obstruct the said Commissioner in the exercise of his duty.

20. Powers to Lord Chancellor to extend to Lord Keeper and Lords Commissioners.

And it is hereby further Enacted, That wherever in this Act the words Lord Chancellor are used, they shall also be understood to mean Lord Keeper and Lords Commissioners for the Custody of the Great Seal.

the Accountant General in Chancery, or the Accountant in Bankruptcy, as the circumstances might require :

And whereas, pursuant to the provisions of the said Act, the sum of Three hundred thousand Pounds has been already invested in the purchase of Two hundred and twenty-one thousand six hundred and six pounds thirteen shillings and three-pence Three per Centum Reduced Bank Annuities, and of One hundred and nine thousaad two hundred and forty-two pounds sixteen shillings and nine-pence Three per Centum Consolidated Bank Annuities, and such two several sums are now standing at the Bank of *England* in the name of the Accountant in Bankruptcy, to the credit of the said account, intituled, "The Bankruptcy Fund Account :"

And whereas there is still a large sum of money belonging to Bankrupts' Estates, or the Suitors in Bankruptcy, standing in the name of the said Accountant in Bankruptcy, now lying dead and unemployed at the Bank of *England* ;

1.
Cash uninvested on Securities, to be placed out in one entire Sum, or Parcels.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT out of the Cash so now lying or which shall hereafter lie dead and uninvested on Securities in the Bank of *England*, in the name of the Accountant in Bankruptcy, any sum or sums of money shall and may, by virtue of any Order or Orders of the Lord High Chancellor, to be made for that purpose from time to time, be placed out and invested in one entire sum, or in parcels, in the name of the said Accountant in Bankruptcy, on such Government or Parliamentary Securities, as in and by such Order or Orders shall be directed, and such Securities shall be carried to the said Account, intituled, "The Bankruptcy Fund Account ;" and the interest and dividends of all the Securities so to be purchased shall, from time to time, be received by the Governor and Company of the Bank of *England*, and be carried to the said Account, intituled, "Interest arising from the Bankruptcy Fund Account," to the credit of the Accountant in Bankruptcy.

2.
Securities purchased subject to Rules and Orders of Lord High Chancellor.

And be it further Enacted, That all Securities to be purchased under the provisions of this Act shall be subject to the like Rules and Orders of the Lord High Chancellor, and shall be liable to be varied from time to time under the authority of the said Lord High Chancellor, in like manner as by the said recited Act is provided as to the Securities purchased by virtue thereof; and the Interest and Dividends of all Securities to be purchased under the authority of this Act

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Act shall be subject to the like Rules and Orders of the said Lord High Chancellor, and shall be applied in like manner and to the like purposes, as the Interest and Dividends of the Securities purchased by virtue of the said recited Act.

3. Securities purchased may be sold out, to meet demands due on Bankrupts' Estates.

And be it further Enacted, That if at any time hereafter the whole or any part of the Money placed out in pursuance of this Act shall be wanted to answer any demands due in respect of any Bankrupts' Estates, or if it shall at any time appear to the Lord Chancellor that the Balance of Cash remaining to the credit of the Accountant in Bankruptcy is not so large as it ought to be, having regard as well to the convenience of the Suitors in Bankruptcy as also to the necessity of affording a fair remuneration to the Bank of *England* for keeping the Bankruptcy Account of the Accountant in Bankruptcy, the Lord High Chancellor may direct the whole or any part of the Securities to be purchased under the provision of this Act, to be sold and disposed of, and the Money arising from such sale to be paid into the Bank of *England* in the name of the said Accountant in Bankruptcy, and to be applied by him in such manner as the said Lord High Chancellor shall direct.

4. Expense of Proceedings to be defrayed from purchased Securities.

And be it further Enacted, That out of the Interest and Dividends of the said Government or Parliamentary Securities to be purchased as aforesaid, the costs, charges and expenses of all proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order of the said Lord High Chancellor.

5. Parliament to make good deficiency of Security to meet demands of Bankrupts.

And be it further Enacted, That if at any time hereafter the whole or any part of the Money to be laid out in pursuance of this Act shall be wanted to answer the demand of any Bankrupts or their Creditors, or other persons interested therein, and the Stocks, Funds and Cash, then standing in the name of the said Accountant in Bankruptcy to the several Accounts before mentioned, shall not be sufficient to raise and produce such Money, then and in such case the Money which shall have been invested under the provisions of this Act shall be considered a debt due from the Public, and to such extent as may be necessary shall be answered and made good by Parliament accordingly.

6. Lord Keeper, or Lords Commissioners of Great Seal, invested with same power as Lord High Chancellor.

And be it further Enacted, That the powers and authorities given by this Act to the Lord High Chancellor, shall and may be exercised in like manner and are hereby given to the Lord Keeper or Lords Commissioners for the custody of the Great Seal respectively for the time being.

And

7. Act may be altered. And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this Session.

8. Public Act. And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges and others, without being specially pleaded.

Bankrupts' Funds.

A

BILL

For investing in Government Securities further Portions of the Cash lying unemployed in the Bank of *England* belonging to Bankrupts' Estates.

(Prepared and brought in by
Mr. Attorney General and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1836.

266.

15 *March* 1836.—6 Will. IV.

A

BILL

To amend the Law of Scotland in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poinding of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

Act 1621.

1.
Deeds and acts by an insolvent Debtor in favour of a conjunct and confident Person, to the prejudice of Creditors, null.

WHEREAS it is expedient to amend the Laws of Scotland in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poindings of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground: And whereas in the year One thousand six hundred and twenty-one, an Act was made by the Parliament of Scotland, intituled, "A Ratification of the Act of the Lords of Council and Session, made in July One thousand six hundred and twenty, against unlawful Dispositions and Alienations made by Dyvours and Bankrupts," and it is expedient to amend the said Act, and extend the benefits thereof; **Be it therefore Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT on and after the *First* day of *October One thousand eight hundred and Thirty-six*, if a Debtor who is insolvent shall directly or indirectly grant in favour of a conjunct and confident Person any conveyance whatsoever of, or any heritable security over, his heritable estate, or any assignation, bond, bill, obligation, discharge or document as for money due, by which any heritable or moveable property belonging to him shall be transferred or burdened with debt in favour of such conjunct and confident Person; or by which such Person may claim as a Creditor in competition with the Creditors of the Debtor; or be saved from a demand for payment of any debt due, or performance of any obligation to the Debtor, or obtain any preference; or receive from the Debtor payment of any money in satisfaction of debt; such conveyance, heritable security, assignation, bond, bill, obligation, discharge, document and payment shall be null and void, in so far as prejudicial to the Creditors of the Debtor: Provided, That it shall be competent to the conjunct and confident Person to prove that the conveyances, securities, obligations, documents and payments hereinbefore enumerated were granted and made for a just price paid for the same at the time when they were so granted and made, or for a just debt subsisting when they were granted and made, or for a just, onerous and necessary cause at that time; and on it being so proved, such conveyances, securities, obligations, documents and payments shall be effectual to the conjunct and confident Person, provided the same be not challengeable on any other lawful ground.

Unless for a just, onerous and necessary cause.

2.
Circumstances in which a party may challenge the above deeds and acts.

And be it Enacted, That it shall be competent for any Creditor of the Debtor, whether his debt has been contracted before or after the granting or making of the conveyances, securities, obligations, documents and payments hereinbefore enumerated; or for the Interim Factor or Trustee on the sequestrated estate of the Debtor, to insist in an Action for having the same declared null and void in manner hereinafter provided; as also to appear and insist in the Action, as hereinafter mentioned, although the original Pursuer may have died or abandoned the Action, in the same way as if the summons had been raised by such Creditor, Interim Factor or Trustee.

Compearer may insist although original Pursuer die.

3.
Presumption that deeds and acts were after Insolvency in certain circumstances.

And be it Enacted, That the conveyances, securities, obligations, documents and payments hereinbefore enumerated, shall be presumed to have been granted and made after the insolvency of the Debtor, and without any just price paid, and without a just debt subsisting, and without a just, onerous and necessary cause at the time when the same were granted and made, provided the Pursuer of the Action, or any Creditor, or the said Interim Factor or Trustee, who shall compear, can show that his own debt or the debt of any other Creditor is resting owing, and was subsisting when the several conveyances, securities, obligations, documents and payments before enumerated were granted or made; or when they were rendered complete by such act as may be requisite to render the same complete; or when diligence was executed on such conveyances, securities, obligations and documents; or when they were published in any register; or when they were produced in judgment; but it shall be competent for the conjunct and confident Person to prove that the Debtor was solvent at the times aforesaid, or that the conveyance, security, obligation, document or payment was granted and made for a just price paid, or just debt truly subsisting, or for a just, true and necessary cause at the time of the granting and making in manner before provided.

4. Provision as to Alienations, &c. after diligence begun.

And be it Enacted, That where any Creditor has, either before or after the said *First* day of *October*, executed a Summons of Adjudication, or a Summons of Ranking and Sale, or Letters of Inhibition, or any Diligence competent against the heritable estate of his Debtor; or where any Creditor has executed Arrestment, Poinding or any other Diligence competent to attach the moveable estate of his Debtor (provided that the Diligence is not by virtue of a decree under a Small Debt Act), and the Debtor has granted or shall thereafter grant any conveyance whatsoever of his heritable estate or heritable security thereon, or any assignation, bond, bill, obligation, discharge, or any document as for money due, or pay money to or for any other Creditor in prejudice of the Creditor executing Diligence or Action, it shall be competent to such last-mentioned Creditor, and to every other Creditor of the Debtor who might have had it in his power to obtain a pari passu preference with such last-mentioned Creditor, if such Diligence or Action had been carried on without delay, to pursue an Action on the said recited Act; and for the purposes of this Act, poinding shall be held to have been executed on the day immediately after the lapse of the charge.

5. Sheriff to have Jurisdiction as to Actions relating to moveables.

And be it Enacted, That after the said *First* day of *October*, every Sheriff within Scotland shall possess Jurisdiction to judge and decide in all Actions under the said recited Act or this Act, concluding to have any deed, obligation or other document hereinbefore enumerated regarding moveable effects, debts and sums of money, and not heritable subjects, set aside; and the Sheriff-Clerk and all Sheriff-Officers in the several Sheriffdoms in Scotland shall have full power to act in their respective offices in relation to such processes.

6. Mode in which Creditors are entitled to compear.

And be it Enacted, That at any time after the summons raised before the Court of Session or before the Sheriff has been called in Court, any Creditor claiming a right to be ranked pari passu may lodge with the Clerk to the process a Claim, setting forth the nature of his debt, the amount thereof, and the grounds on which it is founded; and he shall therewith produce the vouchers of his debt (if he any has), and if there be no lawful objection to the contrary, he shall be conjoined as a Pursuer therein.

7. Conclusions and proceedings in Actions as to heritage.

And be it Enacted, That where any summons shall be raised under the said recited Act or this Act to set aside any conveyance or security, or any deed or obligation in relation to heritable subjects, the Pursuer shall farther conclude that on the same being set aside the subjects should be adjudged to belong to him and every other Creditor who shall be included in the decree of division; that the heritable subjects should be sold, and decree of sale pronounced in favour of the Purchaser; that the decree of sale should have the effect of an irredeemable adjudication in his favour, and disencumber the subjects of all heritable debts or other securities contracted thereon by the Debtor, his Authors or Predecessors, and operate as an assignation thereof to the Purchaser, in so far as the debts or securities can affect the subjects contained in the decree of sale, and as a discharge to the Debtor of the debts and securities to the extent of the shares of the price paid to the respective Creditors (reserving their rights thereto in so far as relates to the Debtor quoad ultra as accords of law); that the Creditors should be bound to warrant their debts to that extent and their titles thereto, but not the validity of the Debtor's titles to the said subjects; that on payment or consignation of the price the Purchaser should be discharged, and superiors ordained to enter him, and to grant charters to and infeft him in the same; that the Creditors who shall be found entitled to compear should be ranked on the said subjects according to their respective rights and interests, and that the said price should be divided among them accordingly; and the Lord Ordinary before whom such Action depends shall, in pronouncing decree of reduction, declare the decree to be available to all the Creditors of the Debtor who shall be included in the decree of division; and on decree of reduction being pronounced, the farther proceedings shall take place as in a process of ranking and sale.

8.
Conclusions and proceedings in Actions as to moveables.

And be it Enacted, That where any summons shall be raised to set aside any deed, obligation or document as to any moveable goods or effects, or any discharge of debt or document of debt, or any payment of money, the Pursuer shall farther conclude that on the same being set aside, the goods, debts or money should be adjudged to belong to him and to every other Creditor who shall be found entitled to claim a share thereof, according to their respective rights; that the goods should be sold, and the price (or if the subject challenged be money) that the sum for which the Defender is accountable should be divided, as in a process of multiplepoinding, among the Creditors, according to their respective rights; and the Judge before whom the Action depends shall, in pronouncing decree of reduction, declare the decree to be available to all the Creditors of the Debtor who shall be found entitled to claim a share thereof; and on decree of reduction being pronounced, the farther proceedings shall take place as in a process of multiplepoinding.

And

9.
In questions of Ranking, securities to be deducted.

And be it Enacted, That in all questions of Ranking or Competition under the said Act and this Act, in case any Creditor shall hold any preferable security or lien for payment of his debt upon the Debtor's estate or effects, he shall deduct from his debt the amount or value of such security, and he shall only be ranked for the balance after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

10.
NOTOUR BANKRUPTCY.

Constitution of Notour Bankruptcy by expired charge of payment, with registered denunciation of Insolvency.

AND whereas an Act was made by the Parliament of Scotland in the year One thousand six hundred and ninety-six, intituled, "Act for declaring Notour Bankrupts," and it is expedient to amend the said Act, and extend the benefits thereof; BE it therefore Enacted, That the said Act shall be and is hereby repealed, in so far as relates to the description of Notour Bankruptcy (saving the effect thereof as to cases of Bankruptcy before the commencement of this Act); and after the said *First* day of *October One thousand eight hundred and Thirty-six*, if a Debtor being within Scotland (whether he is liable or not to imprisonment) be lawfully charged to pay a civil debt, amounting to not less than *Twelve* Pounds, and fail to pay the same within the days of charge, it shall be competent, on expiration of the said days, to denounce him insolvent, by executing against him, in the same way as charges are executed, a Copy of Denunciation in the Form of the Schedule (Number 1.) hereunto annexed; and the Messenger or other officer shall thereupon return an Execution in the Form of the Schedule (Number 2.) hereunto annexed; and if an Abbreviate of the said Execution of Denunciation, in the Form of the Schedule (Number 3.) hereunto annexed (or as near as circumstances will in those several cases permit) be registered within *Year and Day* from the date of the charge in a Register of Notour Bankrupts to be kept at Edinburgh, the Debtor shall be held to be Notour Bankrupt from the date of such registration; and it shall be competent to any Creditor of the Debtor to cause such Abbreviate to be registered: Provided always, That no charge or charges which may be given on a debt shall make the Debtor Notour Bankrupt, unless the Denunciation shall be registered within *Year and Day* of such charge or charges.

11.
Notour Bankruptcy by apprehension, imprisonment or retiring to Sanctuary.

And be it Enacted, That if a Debtor shall after the said *First* day of *October* be apprehended or imprisoned on Civil Diligence for debt, he shall be held insolvent and Notour Bankrupt at and from the date of his apprehension or imprisonment.

12.
Constitution of Notour Bankruptcy when Debtor forth of Scotland.

And be it Enacted, That if a Debtor subject to the Laws of Scotland shall be forth thereof, and be charged on induciæ of *Thirty* Days at the Office of Edictal Citations of the Court of Session, to pay a civil debt amounting to *Twelve* Pounds at least, and shall fail to pay the said debt

debt within the days of charge, it shall be competent to denounce him insolvent as aforesaid at the said Office, and an Abbreviate of Denunciation of Insolvency registered in the said Register of Notour Bankrupts, combined with an Arrestment of his effects, not loosed or discharged within *Fifteen* Days after the date of its execution, or a Poinding of his moveables, or a Decree of Adjudication for payment or security of debt of any part of his estate, shall render him Notour Bankrupt as at the date of the said registration: Provided always, That he shall not thereby be held insolvent, but his insolvency shall be otherwise lawfully established; and where he shall have abandoned his ordinary place of residence in Scotland for *Forty* Days, and not have taken up some other known residence within Scotland, nor left notice at his said place of residence where he is to be found within Scotland, and he is not so found, and an execution of a Messenger is returned to that effect, he shall for the purposes of this Act be held to be forth of Scotland.

Presumption of absence from Scotland.

13.
By Sequestration under the Bankrupt Act.

And be it Enacted, That the awarding of Sequestration in virtue of an Act, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in Scotland," passed in the present Session of Parliament, shall render the Debtor Notour Bankrupt as at the date of the first deliverance on the Petition for Sequestration.

14.
Debtor to be held Bankrupt for *Sixty* Days prior to constitution of the Bankruptcy.

And be it Enacted, That a Person who is rendered Notour Bankrupt in any of the ways before mentioned, shall be held to have been Notour Bankrupt on and after the *Sixtieth* Day before the day of being rendered Notour Bankrupt: Provided always, That where a Person is forth of Scotland, his insolvency shall be proved as above provided.

15.
In questions under the Act 1696, and this Act, dispositions of and securities on heritable subjects to be held as of the date of the registration of the Sasine, or resignation ad remanentiam.

AND whereas by the said Act made by the Parliament of Scotland in the year One thousand six hundred and ninety-six, it is declared, "That all and whatsoever voluntary dispositions, assignations or other deeds which shall be found to be made and granted directly or indirectly by the foresaid Dyvour or Bankrupt, either at or after his becoming Bankrupt, or in the space of Sixty Days of before, in favours of his Creditors, either for his satisfaction or further security in preference to other Creditors, to be void and null;" and it is farther declared, "That all dispositions, heritable bonds, or other heritable rights, whereupon infeftment may follow, granted by the foresaid Bankrupts, shall only be reckoned, as to this case of Bankrupt, to be of the date of the Sasine lawfully taken thereon, but prejudice to the validity of the said heritable rights as to all other effects as formerly," and it is expedient to amend these provisions; BE it therefore Enacted, That in questions arising upon the said Act or this Act, after the said *First* day of *October*, or which shall have arisen on the said last-mentioned Act previous to that day, all Dispositions, Conveyances, Adjudications in Implement, or other transfers of heritable subjects; and all Heritable Bonds and other Deeds whereby the payment of debt or the performance of any obligation is secured over heritable subjects, on which Infeftment may follow, shall be reckoned to be of the date of the registration of the Instrument of Sasine, or of the registration of the Instrument of Resignation ad Remanentiam expede thereon (as the case may be): Provided, That this shall be without prejudice to the validity or invalidity of the said Deeds in all other respects as heretofore.

16.
Assignations, &c. to be held of the date of intimation, or other act of completion.

And be it Enacted, That in questions arising on the said Act made in the year One thousand six hundred and ninety-six, or on this Act, after the said *First* day of *October*, or on the said Act of the year One thousand six hundred and ninety-six, before the said *First* day of *October*, all Assignations, Transfers, Retrocessions, Sales and Venditions of any moveable effects, debts, funds, ships, or any personal rights whatsoever, granted either absolutely or in security of the payment of debt, and to which intimation, delivery, registration or any Act other than Sasine is requisite to give effect, shall be reckoned to be of the date of the intimation, delivery, registration or other Act requisite for completing the same: Provided always, That this shall be without prejudice to the validity or invalidity of such rights in all other respects as heretofore.

17.
Circumstances in which a party may challenge Deeds.

And be it Enacted, That it shall be competent for any Creditor, whether his debt has been contracted before or after the granting of the deeds, obligations, documents, rights and payments hereinbefore enumerated, or for the Interim Factor or Trustee on the sequestrated estate of the Debtor, to insist in an Action to have the same reduced as null and void; and it shall be competent for any Creditor, or such Interim Factor or Trustee, to appear and insist in the said Action, as hereinafter mentioned, although the original Pursuer may have died or abandoned the Action, to the same effect as if the summons had been raised by such compearer.

18.
Sheriff to have Jurisdiction as to Actions relating to moveables.

And be it Enacted, That after the said *First* day of *October*, every Sheriff within Scotland shall possess Jurisdiction, to judge and decide in all Actions under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any deed, obligation or other document, as above enumerated, regarding moveable effects, debts and sums of money (but not heritable subjects) set aside, as fully as he can judge and decide in any other Action presently by law competent before him; and the Sheriff-Clerk, and all Sheriff-Officers in the several Sheriffdoms in Scotland, shall have full power to act in their respective offices in relation to such processes.

19.
Mode in which Creditors are entitled to compear.

And be it Enacted, That at any time after the summons in any Action raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, before the Court of Session, or before the Sheriff, has been called in Court, any Creditor who claims a right to be ranked equally on the subject of the Action with the Pursuer thereof, may lodge with the Clerk to the process a Claim, setting forth the nature and amount and grounds of his debt, and shall therewith produce the vouchers of his debt (if he any has); and if there be no lawful objection to the contrary, he shall be conjoined as a Pursuer.

20.
Conclusions and proceedings in Actions as to heritable subjects.

And be it Enacted, That where any Action shall be raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any deed, conveyance, adjudication in implement of, or security whatsoever over, heritable subjects set aside, the Pursuer shall farther conclude that, on the same being set aside, the subjects should be adjudged to belong to him, and every Creditor who shall be included in the decree of division; that they should be sold under the authority of the Court of Session; that the Creditors found entitled to compear should be ranked according to their respective rights and interests, and the price divided among them all, as in a process of ranking and sale; and the Lord Ordinary before whom the action depends shall, in pronouncing decree of reduction, declare the benefit of the decree to be available to all the Creditors of the Debtor, who shall be included in the decree of division; and on the decree of reduction being pronounced, the farther proceedings, to the effect of exhausting the remaining conclusions of the Action, shall take place as in a process of ranking and sale.

21.
Conclusions and proceedings in Actions as to moveables.

And be it Enacted, That where any Action shall be raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any deed, obligation or document as to moveable effects, or any discharge of debt, or voucher of debt, or any payment of money set aside, the Pursuer shall farther conclude that, on the same being set aside, the said effects should be adjudged to belong to him, and to every Creditor who shall be conjoined and found entitled to claim a share thereof, according to their respective rights; that the said effects should be sold, and the price, or (if the subject challenged be money) that the sum for which the Defender is accountable should be divided among the Creditors, according to their respective rights, as in a process of multiplepoinding; and the Judge before whom the Action depends shall, in pronouncing decree of reduction, declare the benefit of the decree to be available to all the Creditors of the Debtor who shall be conjoined in the Action; and on the decree of reduction being pronounced, the farther proceedings for exhausting the remaining conclusions shall take place as in a process of multiplepoinding.

And

22.
In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all Competitions under the said Act, made in the year One thousand six hundred and ninety-six, or of this Act, if any Creditor hold a preferable security for payment of his debt upon any part of the Debtor's estate or effects not falling under the Action, he shall deduct from his debt the amount or value of such security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

23.
Competent to grant Heritable Securities for payment of future loans of money, under certain conditions.

AND whereas by the said Act made in the year One thousand six hundred and ninety-six it is declared, "That any disposition or other rights that shall be granted for hereafter for relief or security of debts to be contracted for the future, shall be of no force as to any such debts that shall be found to be contracted after the sasine or infeftment following on the said disposition or right, but prejudice to the validity of the said disposition and right, as to other points, as accords;" and it is expedient to amend the same; BE it therefore Enacted, That the said Act, in so far as inconsistent herewith, shall be and the same is hereby repealed; and all Heritable Bonds and other Deeds whereby an Heritable Security is constituted, or by which it is competent to constitute an Heritable Security in payment of debt, and which are granted in security of the payment of money to be lent, or of any balance which may arise thereon after the date of such Bond or other Deed (subject to the provisions hereinafter contained), shall be effectual to the extent hereinafter specified.

24.
Also on Cash-credits to be operated on after their date.

And be it Enacted, That all Heritable Bonds or other Deeds, whereby it is competent to constitute an Heritable Security in payment of debt granted in security of the payment of money to be lent, upon Cash-credit or Cash-account, or of any balance which may arise thereon after the date of such Bond or other Deed, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

25.
Also on Bills, &c.

And be it Enacted, That all Heritable Bonds or other Deeds as aforesaid, granted in security of the payment of loans or advances of money to be made on Bills, Promissory Notes or other similar Obligations to be drawn, accepted or indorsed, or of any balance which may arise thereon after the date of such Bond or other Deed, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

26.
And of furnishings of Goods.

And be it Enacted, That all Heritable Bonds or other Deeds as aforesaid granted in security of the price of Goods to be sold and delivered, or consigned on account-current or otherwise, or of any balance which may arise thereon after the date of such Bond or other

Deed, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

27.
And of relief of cautionary Obligations.

And be it Enacted, That all Heritable Bonds or other Deeds as aforesaid granted in security of the relief of any Person who shall become bound as Cautioner for money to be lent directly or by way of Cash-credit, Cash-account, Bills, Promissory Notes or otherwise as aforesaid, or for the payment of the price of Goods to be sold and delivered or consigned as aforesaid, after the date of the said Bond or other Deed, shall be (subject to the provisions hereinafter contained) effectual to the extent hereinafter specified.

28.
Provisions as to Securities for Cash-credits, Bills and cautionary Obligations.

Provided always, and be it Enacted, That such Heritable Bonds or other Deeds as aforesaid shall be effectual in the several cases before set forth to the extent only of the agreed on principal sum therein specified, with *Three* Years' interest from the dates of lending the said money; or retiring the said Bills, Promissory Notes or other similar Obligations; or from the dates when the price of the said Goods is payable; or from the date when the cautionary Obligation has been implemented; or such other dates as the Parties shall therein stipulate, at the rate of *Five* per centum in the year, (or at such lower rate of interest as the Parties may therein specify); or to the extent of such sum (not exceeding the said principal sum) as shall have been actually lent, either directly or on cash-credit or cash-accounts; or by retiring the said Bills and Promissory Notes and others; or by furnishing Goods; or in implement of the said cautionary Obligation: Provided, That in such Heritable Bonds or other Deeds, and in the Instruments of Sasine taken thereon, the amount of the said principal sum and the rate of interest thereon shall be distinctly specified; and the said Instrument of Sasine specifying the said principal sum and rate of interest, shall be duly recorded within *Sixty* Days after the date of the said Bond or other Deed, and at least *Sixty* Days prior to the Notour Bankruptcy of the Debtor.

29.
Not to be available after publication of Sequestration.

And be it Enacted, That if any Loan of Money shall be made, either directly or on cash-credit or cash-account, or if any Bills, Promissory Notes or similar Obligations shall be drawn, accepted or indorsed, or any advances of money made thereon; or if any Goods shall be sold, delivered or consigned, after, in these several cases, the date of the publication in the Edinburgh Gazette, that Sequestration has been awarded of the estates of the granter of such Heritable Bond or other Deed, in terms of an Act made in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in Scotland;" the Heritable Bond or other Deed shall not be available as a security to the extent of the sums lent or advanced as aforesaid, or the price of the Goods sold, delivered or consigned after such publication.

30. Although in course of operation the Balance be extinguished, this not to affect the security as to the ultimate balance.

And be it Enacted, That such Heritable Bonds or other Deeds as aforesaid, with the Infeftments taken thereon, shall be effectual to secure any Balance which may ultimately be due in the several cases, above provided, in security of which such Bonds or other Deeds shall have been granted, although in the course of the transactions the principal sum and interest thereon may have been at any time paid and satisfied: Provided always, That in the course of the future continuous transactions thereon, a Balance of debt shall arise against the granter thereof not exceeding the principal sum and interest therein specified, as above provided.

31. DILIGENCE.

Extracts of Court of Session, Teind Court and Court of Justiciary Decrees, to contain Warrant to arrest, charge poind and imprison.

AND whereas it is expedient to improve the form and to diminish the expense of the Diligence of the law in Scotland against the Persons and moveable effects of Debtors; BE it Enacted, That on and after the said *First* day of *October, One thousand eight hundred and Thirty-six*, where an Extract shall be issued of a Decree or Act pronounced, or to be pronounced by the Court of Session, or by the Court of Commission for Teinds, or of the Court of Justiciary; or of any Deed, Decree-arbitral, Bond, Protest of a Bill, Promissory Note, Banker's Note, or other document on which execution may competently proceed, recorded in the books of Council and Session, or of the Court of Justiciary, the Extractor shall in terms of the Schedule (Number 4.) hereunto annexed (or as near to the form thereof as circumstances will permit), insert a Warrant to charge the Debtor or Obligant to pay the debt, or perform the obligation within the days of charge, as accords of law, and to arrest, poind, open shut places, and on Warrant of imprisonment being obtained (as hereinafter provided) to search for, take, apprehend and imprison the Debtor or Obligant until he obey the charge, and for that purpose to open shut places; which Extract shall be subscribed and prepared in other respects as Extracts are at present subscribed and prepared; and for which Extract no higher fees shall be exigible than those which are payable as by law established.

32. Competent to arrest by virtue of the said Extract.

And be it Enacted, That it shall be lawful, by virtue of such Extract, to arrest, as if Letters of Arrestment on liquid grounds of debt, or Letters of Horning containing Warrant to arrest, had been issued under the signet.

33. Competent to charge by virtue of the said Extract.

And be it Enacted, That it shall be lawful by virtue of such Extract, to charge the Debtor or other Obligant therein mentioned, to pay the sums of money, or to perform the obligation therein specified, within the days of charge, as accords of law, from and after the date of charge, under pain of poinding and imprisonment.

34. Competent to poind by virtue of the said Extract.

And be it Enacted, That on the expiration of the days of charge, it shall be lawful, by virtue of such Extract, to poind the moveable effects of the Debtor, in payment of the sums of money therein mentioned, as if Letters of Poinding or Letters of Horning, containing Warrant to poind, had been issued, and for that purpose to open shut places.

35.
Abbreviate of the Extract and execution to be registered.

And be it Enacted, That it shall be competent at any time within *Year and Day* after a charge has expired, to present such Extract and the execution of charge to the Keeper of the General Register of Hornings at Edinburgh, and the Keeper shall thereupon record in that register an Abbreviate thereof, in the form of the Schedule (Number 5.) hereunto annexed (or as near to that form as circumstances will permit), specifying the name and designation of the Creditor, and of the Debtor or Obligant; the date of the Extract; the nature of the Decree or other document whereupon the Extract proceeds; the amount of the sums of money, or the nature of the obligation in enforcement whereof the Extract has been issued; the date of the execution; the mode of execution; and the date of the expiration of the days of charge; which registration shall have the same effect as if the Debtor or Obligant had been denounced rebel in virtue of Letters of Horning, and the said letters, with the execution of charge and denunciation, had been recorded according to the forms now in use; and shall have the effect to accumulate the debt and interest into a capital sum, whereon interest shall thereafter become due.

Registration to have all the effect of Denunciation and to accumulate interest.

36.
Extract and Execution with Certificate of Registration to be presented in the Bill-Chamber for Warrant to imprison.

And be it Enacted, That on the Abbreviate being so recorded, the Keeper of the Register shall write upon the Extract and upon the Execution (if it be written on paper apart) a Certificate of the registration thereof, which he shall date and subscribe; and if Warrant to imprison be required, a Writer to the Signet shall indorse and subscribe on the Extract a Minute in the form of the Schedule (Number 6.) hereunto annexed (or as near to that form as circumstances will permit), and the Extract, with the Execution and Certificate of registration, and indorsed Minute, shall be presented in the Bill-Chamber of the Court of Session; and the Clerk thereof shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "Fiat ut petitur," and shall date and subscribe the same; and it shall be lawful, by virtue of the said Extract and Deliverance, to search for, take, apprehend and imprison the Debtor or Obligant, and if necessary for that purpose, to open shut places; and Magistrates and Keepers of Prisons are hereby required to receive into and detain in prison the Person of the Debtor or Obligant, to the same effect as if Letters of Caption had been issued under the signet, and till liberated in due course of law.

37.
Execution may proceed at the instance of a Person acquiring right to Extract.

And be it Enacted, That where any Person has acquired right to an Extract of a Decree or Act as aforesaid, it shall be competent to him to present in the Bill-Chamber the Extract, with a Minute indorsed thereon, in the form of the Schedule (Number 7.) hereunto annexed (or as near thereto as circumstances will permit), subscribed by a Writer to the Signet, with the assignation, confirmation, or other legal evidence of such acquired right, praying for authority (as the case may be) to arrest, charge, poind the effects of, and to open shut places, imprison the said Debtor or Obligant, and open shut places; and the Clerk shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "Fiat ut petitur," and he shall date and subscribe the same, and date and indorse the same date on the documents produced, and subscribe with his initials the date so indorsed, and the Extract indorsed as aforesaid shall be a Warrant to arrest, charge, poind, open shut places, search for, take, apprehend and imprison as aforesaid, at the instance of such Person.

38.
Letters of Horning may be issued as formerly, but no expenses exigible.
Extracts in terms of this Statute may be obtained where Extracts issued prior to 1st *October* 1836.

And be it Enacted, That nothing herein contained shall prevent any Person from obtaining Extracts, and also Letters of Horning, Poinding and Arrestment, or Letters of Arrestment and Letters of Caption, according to the former law and practice, if he shall see fit to proceed in that way in place of in the manner hereby provided; but it is hereby declared, that in such case no part of the expenses thereof, except the expenses of the Extract, shall be exigible from the Debtor or Obligant or his estate, unless it be shown that it is incompetent to proceed in the way herein provided; and where an Extract has been issued before the said *First* day of *October*, it shall be competent for the Person in whose favour such Extract has been issued, or the Person having right thereto, to obtain an Extract in terms of this Statute, or a Warrant subjoined to the former Extract, in terms of the said Schedule (Number 4.) and to prosecute Diligence thereon, agreeably to the provisions hereof.

39.
Extracts of Sheriff's Decrees, &c. to contain Warrant to open shut places, charge and imprison.

And be it Enacted, That on and after the said *First* day of *October One thousand eight hundred and Thirty-six*, where an Extract shall be issued of any Decree or Act pronounced or to be pronounced by any Sheriff, or of any Deed, Decree-arbitral, Bond, Protest of a Bill, Promissory Note, Banker's Note or other document on which execution may competently proceed, recorded in the Sheriff Court books, the Extractor shall, in terms of the Schedule (Number 8.) hereunto annexed (or as near thereto as circumstances will permit), insert therein a Warrant, not only to arrest, charge and poind according to the present practice, but also for that purpose, if need be, to open shut places, and on Warrant to imprison being obtained (as hereinafter provided), to search for, take, apprehend and imprison the Debtor or Obligant until he pay the debt or perform the obligation in terms of the charge, and for that purpose to open shut places, which it shall be lawful to do; for which Extract no higher fees shall be exigible than those which are payable as by law established.

40.
Abbreviate, Extract and Execution to be registered, and to accumulate interest.

And be it Enacted, That it shall be lawful at any time within *Year and Day* after a charge has expired, to present the Extract and Execution of charge to the Clerk of the Sheriff Court from which the Extract has been issued, and the Clerk shall thereupon record in the Particular Register of Hornings kept by him, an Abbreviate thereof, in the form of the Schedule (Number 9.) hereunto annexed (or as near to that form as circumstances will permit), specifying the name and designation of the Creditor and of the Debtor or Obligant, the date of the Extract, the nature of the Decree or other document whereupon the Extract proceeds, the amount of the sums of money or the nature of the obligation in enforcement whereof the Extract has been issued, the date of the execution, the mode of execution, and the date of the expiration of the days of charge, which registration shall have the effect to accumulate the debt and interest into a capital sum, whereon interest shall thereafter become due.

41.
Lawful to imprison in virtue of such Warrant.

And be it Enacted, That on the Abbreviate being so recorded, the Clerk shall write upon the Extract and upon the Execution (if it be written on paper apart) a Certificate of the registration thereof, which he shall date and subscribe in the form subjoined to the said Schedule (Number 9.); and if Warrant to imprison be desired, the Creditor or a Procurator shall indorse and subscribe on the said Extract a Minute in the form of the Schedule (Number 10.) hereunto annexed (or as near to that form as circumstances will permit), and the Clerk shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "Fiat ut petitur," and shall date and subscribe the same; and it shall be lawful, by virtue of the Extract and Deliverance, to search for, take, apprehend, imprison, and if necessary for that purpose, to open shut places as aforesaid; and Magistrates and Keepers of prisons are hereby required to receive into and detain in prison the person of the Debtor or Obligant mentioned in the Extract, till liberated in due course of law.

42.
Execution may proceed at the instance of a person acquiring right to the Extract.

And be it Enacted, That where any Person has acquired right to any Extract of a Decree or Act of the Sheriff, it shall be competent to him to present to the said Sheriff-Clerk the Extract, with the Execution of charge (if a charge shall have been given), and a Minute indorsed on the Extract in the form of the Schedule (Number 11.) hereunto annexed (or as near thereto as circumstances will permit), subscribed by him or a Procurator of Court, with the assignation, confirmation or other legal evidence of the acquired right, praying for authority (as the case may be) to arrest, charge, poind, open shut places and imprison; and the Clerk shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "Fiat ut petitur," and he shall date and subscribe the same, and indorse the same date on the documents produced, and subscribe with his initials the date so indorsed; and the Extract, indorsed as aforesaid, shall be a Warrant to arrest, charge, poind, search for, take, apprehend, open shut places, and imprison as aforesaid, at the instance of such Person.

43. Warrant of concurrence from the Bill-Chamber, or from other Sheriffs to charge, arrest and poind.

And be it Enacted, That where a Debtor or Obligant is, or his goods or effects are, within the territory of any other Sheriff than the Sheriff from whose books such Extract has been lawfully issued, it shall be competent to present the Extract in the Bill-Chamber of the Court of Session, or to the Sheriff within whose jurisdiction the Debtor or Obligant is, or his goods or effects are, with a subscribed Minute indorsed thereon, in terms of the Schedule (Number 12.) hereunto annexed (or as near thereto as circumstances will permit), praying for the authority and concurrence of the Lords of Council and Session, or of the said Sheriff (as the case may be), to arrest, charge and poind the effects of the said Debtor or Obligant, and to open shut places, all in terms of the Warrant in the said Extract; and if there be no lawful cause to the contrary, the Clerk in the Bill-Chamber, or the said Sheriff (as the case may be), shall grant authority accordingly, by writing this Deliverance, "Fiat ut petitur," and dating and subscribing the same; and it shall thereupon, for that purpose, be lawful to arrest, charge, poind and open shut places.

44. Warrant of concurrence to imprison.

And be it Enacted, That if the Debtor or Obligant shall have been charged on the original Warrant contained in such Extract, and the Abbreviate of the Extract and Execution be recorded in the books of the Sheriff from which the Extract was lawfully issued; or if the Debtor or Obligant shall have been charged on a Warrant of concurrence by a Sheriff (in which case the Abbreviate shall be recorded in the books of the concurring Sheriff, and shall accumulate interest as aforesaid), it shall be competent to present the Extract, with the Certificate of registration, and a Minute in terms of the said Schedule (Number 12.) indorsed thereon, either in the Bill-Chamber, subscribed by a Writer to the Signet, or to the concurring Sheriff, or to any other Sheriff within whose jurisdiction the Debtor or Obligant is, subscribed by a Procurator of Court, praying for authority to imprison as aforesaid; and if there be no alwful cause to the contrary, the said Clerk or the said Sheriff (as the case may be) shall grant authority accordingly by writing thereon this Deliverance, "Fiat ut petitur," and dating and subscribing the same; and it shall thereupon be lawful to open shut places, search for, take, apprehend and imprison in manner hereinbefore provided.

45. ARRESTMENTS.

Warrant to arrest may be introduced into Summonses for debt before the Court of Session.

AND whereas it is expedient to amend the Law as to Arrestments for payment or in security of payment of debt, and to regulate the rights of Creditors on the arrested fund; BE it therefore Enacted, That on and after the said *First* day of *October One thousand eight hundred and Thirty-six*, it shall be lawful to insert in Summonses raised before the Lords of Council and Session, concluding for payment of money, a Warrant (or Will) to arrest the moveable goods, effects, debts and money belonging or owing to the Defender until sufficient caution be found, acted in the books of Council and Session, that the same shall be made forthcoming as accords of law; and it shall be lawful to Writers to the Signet to subscribe, and to the Keeper thereof and his Deputes to affix the signet to such Summonses, without the necessity of any other authority than this Act.

46.
Arrestment may be executed before executing the Summons, but the Summons must be executed and called within a limited period thereafter.

And be it Enacted, That by virtue of such Warrant of Arrestment, it shall be competent, before executing the Warrant of Citation, to arrest the moveable goods, effects, debts and money belonging or owing to the Defender until caution be found as aforesaid; and such Arrestment shall be effectual, provided the Warrant of Citation shall be executed against the Defender within *Twenty* Days after the date of the execution of the Arrestment; and the Summons called in Court within *Twenty* Days after the Diet of Compearance; or if the Diet of Compearance fall within the vacation, provided the Summons be called on the first calling day next after the said Diet of Compearance; and if the Warrant of Citation shall not be executed, and the Summons called in manner above directed, the Arrestment shall be of no effect whatever; without prejudice to the validity of any subsequent Arrestment duly executed in virtue of the said Warrant.

47.
Arrestments as in the hands of persons furth of the Kingdom, to be executed at the Record Office.

And be it Enacted, That on and after the said *First* day of *October* it shall not be competent to execute any Arrestment, as in the hands of a Person furth of Scotland, by service at the market-cross of Edinburgh and pier and shore of Leith, but such Arrestment shall be executed by delivery of a Schedule of Arrestment at the Record Office of the Keeper of the Records of the Court of Session, which delivery shall be made and the Schedule registered and published in the same manner as charges are directed to be registered and published by an Act passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better regulating of the Forms of Process in the Courts of Law in Scotland:" Provided always, That such Arrestment shall not interpel such Person or his Agent from paying the debt due by him to his Creditor, unless proof be made that he or the Agent was previously to the payment in the knowledge of such Arrestment having been used.

6 Geo. 4, c. 120.
Not to interpel such Persons from paying unless aware of the Arrestment.

48.
Creditors may, in any Action raised by an arresting Creditor, claim within *Four Months* after a first Notour Bankruptcy, and be ranked pari passu.

And be it Enacted, That where a Creditor who shall have executed an Arrestment within *Sixty* Days before or within *Four* Months after the Notour Bankruptcy of his Debtor shall raise an action in respect of such Arrestment, it shall be lawful for any Creditor of such Debtor (whether such Creditor has executed Arrestment or not), within *Four* Months after the date of such Notour Bankruptcy, to lodge a claim in such Action, with his grounds of debt (if he any has); and such Creditor shall, if there be no lawful objection to the contrary, be ranked on the arrested fund equally with the arresting Creditor, as if one Arrestment had been executed by them at one and the same time as hereinbefore provided: Declaring always, That the arresting Creditor shall be preferred for all or such part of his expenses of the Arrestment and of the Action as shall be just.

49.
Or Creditors may raise Multiplepoinding in name of Arrestees, and claim within *Four Months* after Notour Bankruptcy.

And be it Enacted, That where an Arrestment shall have been executed, either within *Sixty* Days before or within *Four* Months after such Notour Bankruptcy, it shall be competent for any Creditor of the Debtor to execute within the said *Four* Months a Summons of Multiplepoinding in the name of the Arrestee, or of the arresting Creditor (if he shall have obtained payment) or other Person in whose name it may be competently done, or any other competent action in respect of such Arrestment; and every Creditor who shall execute such Summons or Action, or lodge a Claim, with his grounds of debt (if he any has), in the hands of the Clerk of Court within the said *Four* Months, shall be ranked equally as aforesaid on the fund with the said arresting Creditor, or be entitled to demand from him, if he shall have received payment, a rateable share of the fund, after allowing out of the fund such expenses as the arresting Creditor may lawfully be entitled to.

50.
Creditors after to be ranked *Four Months* as formerly.

And be it Enacted, That Arrestments after the expiration of *Four* Months from such Notour Bankruptcy shall not compete with any Arrestment used within *Sixty* Days before or *Four* Months after such Bankruptcy, but shall have such preference as they were entitled to by the former law and practice.

51.
Same rules to apply in a second or subsequent Bankruptcy.

And be it Enacted, That where a Debtor shall, after expiration of the said *Four* Months, be rendered a second time Notour Bankrupt, the same rules which are hereinbefore provided in relation to the first Notour Bankruptcy, shall in all competitions among Creditors arresting, claiming or raising action in regard to any funds or effects arrested, take place and receive effect within *Sixty* Days before and *Four* Months after the second Notour Bankruptcy; provided that the second Notour Bankruptcy shall have no effect on any competition as to funds or effects arrested within *Sixty* Days before or within *Four* Months after the first Notour Bankruptcy; and the same rules shall receive effect where any subsequent Notour Bankruptcy shall take place on the expiration of *Four* Months from the immediately preceding Bankruptcy: Provided, That nothing herein contained shall affect any competition as to any Arrestment which may have arisen or shall arise under any law existing prior to the said *First* day of *October*, or the rules established by an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in Scotland."

52. In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all questions of competition, if any Creditor shall hold a preferable Security for payment of his debt upon the Debtor's estate, he shall deduct from the debt the amount or value of such Security, and he shall be ranked for the balance only after such deduction: Provided always, That he shall in no event draw more than full payment.

53. Same Rules to apply in Arrestments of Ships as in other Arrestments.

And be it Enacted, That the same Rules which are herein made in relation to Arrestments and the ranking thereof shall have effect in regard to Arrestments of Ships executed within *Sixty* Days before or *Four* Months after the Notour Bankruptcy of the Owners of such Ships.

54. Lord Ordinary in the Outer-house may recall or restrict Arrestments subject to review.

And be it Enacted, That on and after the said *First* day of *October* it shall be competent to the Lord Ordinary in the Court of Session before whom any Summons containing Warrant of Arrestment shall be enrolled as Judge therein, or before whom any Action, on the dependence whereof Letters of Arrestment have been executed, has been or shall be enrolled as Judge therein on the application of the Debtor or Defender by Petition duly intimated to the Creditor or Pursuer, to recall or to restrict such Arrestment, on caution or without caution, and dispose of the question of Expenses as to the Lord Ordinary shall appear just: Provided always, That the said Order shall be subject to the review of the Inner-house, by a reclaiming Note duly lodged within *Ten* Days from the date of the said Order; and that nothing herein contained shall affect the jurisdiction of the Lord Ordinary on the Bills, or of the Judge Ordinary as to recalling or restricting Arrestments according to law as heretofore established.

55. Arrestments to prescribe in *Three* Years.

And be it Enacted, That Arrestments executed on or after the said *First* day of *October* upon liquid Obligations, shall prescribe on the expiration of *Three* Years from the date of the execution thereof; and Arrestments executed on or after the said *First* day of *October* on the dependence of Action shall prescribe on the expiration of *Three* Years after the date of the final Decree in such Actions, if the Arrestments are not insisted in wirhin the said respective periods.

56. POINDINGS.

Compearing Creditors to be conjoined, and poinded Effects to be valued.

AND whereas it is expedient to regulate the diligence of Poinding and the rights of Creditors on the poinded effects; BE it therefore Enacted, That on and after the said *First* day of *October One thousand eight hundred and Thirty-six Years*, where an Officer of the Law shall proceed to poind moveable effects, he shall, if required, conjoin in the poinding any Creditor of the Debtor who shall exhibit and deliver to him a Warrant to poind; and on the effects being poinded, the Officer shall cause them to be valued by *Two* licensed Appraisers, or *Two* skilled Valuators, and one valuation shall be sufficient.

57. Effects to be left with party in whose hands poinded, and Schedule given to the Debtor.

And be it Enacted, That the Officer shall leave the poinded effects with the Person in whose possession they were when poinded; and he shall in terms of law deliver to the Debtor and to the said Possessor (if he be a different person from the Debtor) a Schedule specifying the poinded effects, and at whose instance they were poinded, and the appraised value thereof, which Schedule shall be subscribed by the Officer and by the Appraisers or Valuators.

58. Officer to report Poinding within *Eight* Days.

And be it Enacted, That the Officer shall within *Eight* Days after the day on which the Poinding was executed (unless cause shall be shown why the same could not be done within the period of *Eight* Days), report the execution thereof to the Sheriff, in which Report he shall specify the circumstances connected with the Poinding, and particularly the effects poinded, the appraised value thereof, the names and designations of the Appraisers or Valuators, at whose instance the effects were poinded, the Person in whose hands they were left, and the delivery of the Schedule as aforesaid; which Report shall be subscribed by him and *One* Witness, and he shall therewith produce a valuation, subscribed by the Appraisers or Valuators.

59. Effects to be sold and sale advertised, and notice to the Debtor.

And be it Enacted, That on the Report being made, the Sheriff shall, if necessary, give orders for the security of the effects; and if no lawful cause be shown to the contrary, he shall, if required, grant Warrant to sell them by public roup, at such time and at such place, and to publish such Notice of the sale and offer them at such upset price, and at the sight of such Person as Judge of the roup, (with power to such Person to diminish the upset price to a certain extent, in the event of the upset price not being offered,) as may appear to the Sheriff most expedient for all concerned: Provided always, That the sale shall not take place sooner than *Eight* Days, nor at a longer period than *Twenty* Days after the date of the publication of the said Notice of sale; and the Sheriff shall order a copy of the Warrant of sale to be served on the Debtor and on the Possessor of the poinded effects, if he be a different person from the Debtor, at least *Six* Days before the date of the sale.

60. Effects to be sold or delivered to Poinding Creditors.

And be it Enacted, That the poinded effects shall be offered for sale and sold as ordered; but if no Offerers appear, the effects or such part as shall satisfy the debt, interest and expenses due to the poinding Creditor and conjoined Creditor, shall be delivered by the Judge of the roup to the said poinding Creditor and conjoined Creditor, or to his or their authorized Agent, subject to the claims of other Creditors in manner hereinafter provided.

61. Report and Price to be lodged.

And be it Enacted, That on the effects being sold or delivered as aforesaid, the Judge of the roup shall within *Eight* Days after the date of the sale make a Report to the Sheriff of the said sale or delivery; and if the effects shall have been sold, he shall also within the said space of *Eight* Days lodge with the Sheriff-Clerk the Roup-rolls, or certified copies thereof, and an account of the sum arising from, and of the expenses of the sale, which sum he shall within the said *Eight* Days lodge in the hands of the Sheriff-Clerk; and the said sum, after deduction of lawful charges, shall, if no lawful cause be shown to the contrary, be ordered by the Sheriff to be paid to the poinding Creditor and conjoined Creditor (provided the amount does not exceed the amount of the debt, interest and expenses), but subject to the claims of other Creditors in manner hereinafter provided; and the Report and relative Documents, when lodged, shall be patent to all concerned, on payment of a fee of *One* Shilling only.

62.
Creditors entitled to purchase.

And be it Enacted, That where any effects are exposed to sale as aforesaid, it shall be lawful for any Creditor to purchase the same.

63.
Unlawful Intromitter liable in *Double* the appraised value.

And be it Enacted, That if any Person shall unlawfully intromit with or carry off the poinded effects to disappoint the Poinding, he shall be liable in *Double* the appraised value, which may be recovered by a Petition to the Sheriff of the county within which the effects were poinded, or within which the Party so intromiting or carrying off is domiciled, or by an ordinary Action before the Court of Session at the instance of the Poinder, subject to the claims of other Creditors in manner hereinafter provided.

64.
Poinding within *Sixty* Days before, or *Four* Months after first Notour Bankruptcy to give no preference; but Creditors claiming with in the *Four* Months to be ranked equally.

And be it Enacted, That on and after the said *First* day of *October*, where a Debtor is rendered Notour Bankrupt, no Poinding executed within *Sixty* Days before, or within *Four* Months after such Bankruptcy, shall give a preference to the poinding Creditor or Creditors for his or their debts; and every Creditor of the Debtor who shall within the said *Four* Months make a claim or raise an action in manner hereinafter provided, shall be ranked equally (or pari passu) in proportion to his debt and interest thereof on the poinded effects, or *Double* the appraised value or the price (as the case may be), as if one Poinding had been executed by them all at one and the same time, after deduction of the expenses of the Poinding, which shall be paid out of the fund to the poinding Creditor preferably.

65.
Competing Creditors may either lodge Claim, or raise Action.

And be it Enacted, That where any Creditor shall have executed a Poinding within *Sixty* Days before, or *Four* Months after such Notour Bankruptcy, and the goods have not been delivered, nor the price, nor *Double* the appraised value thereof paid to him, any other Creditor (whether he hold liquid grounds of debt or not, and whether he has executed Poinding or not,) may, within *Four* Months after such Bankruptcy, lodge with the Sheriff-Clerk a claim in the Poinding, with his grounds of debt (if he any has), setting forth the amount of his debt and interest, and craving to be ranked on the said effects, or *Double* the appraised value or price thereof (as the case may be); or if any process be depending in relation to the said effects, or *Double* the appraised value or the price, before delivery or payment as aforesaid, he may lodge in such process a similar claim, with his grounds of debt (if he any has) within the said period of *Four* Months; and if the effects have been delivered, or *Double* the appraised value, or the price paid to the poinding Creditor, such other Creditor may, within the said *Four* Months, execute a Summons of Multiplepoinding in the name of such poinding Creditor, or any Person in whose name it may be competent to do so, or execute any other competent Summons, in order that the said effects, or *Double* the appraised value or price, may be divided equally among the Creditors; and in the said several cases, the Creditors shall, if there be no lawful cause to the contrary, be ranked equally as aforesaid on the said effects, or on *Double* the appraised value or on the price (as the case may be), after deduction of the expenses of the Poinding, which shall be paid out of the fund to the poinding Creditor preferably.

66. Poindings after *Four* Months to be ranked as formerly.

And be it Enacted, That Poindings, after the expiration of *Four* Months from such Notour Bankruptcy, shall not compete with any Poinding executed within *Sixty* Days before, or *Four* Months after the said Bankruptcy, but shall have such preference as they were entitled to by the former law and practice.

67. Same Rules as in a first to apply in a second or subsequent Bankruptcy.

And be it Enacted, That where a Debtor shall, after the expiration of the said *Four* Months, be rendered a second time Notour Bankrupt, the same Rules which are hereinbefore provided in relation to the first Notour Bankruptcy, shall, in all competitions among Creditors poinding, claiming or raising action in regard to any effects poinded within *Sixty* Days before, or within *Four* Months after such Bankruptcy, take place and receive effect: Provided, That the second Notour Bankruptcy shall have no effect on any competition as to the effects poinded within *Sixty* Days before, or within *Four* Months after the first Notour Bankruptcy; and the same Rules shall also receive effect where any subsequent Notour Bankruptcy shall take place after the expiration of *Four* Months from the immediately preceding Notour Bankruptcy: Provided farther, That nothing herein contained shall affect any competition as to any Poinding which may have arisen or shall arise under any law existing prior to the said *First* day of *October*, or any Rules established by an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in Scotland."

68. In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all questions of competition of Poindings, if any Creditor hold a preferable Security for payment of his debt upon the Debtor's estate, he shall deduct from his debt the amount or value of such Security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

69. Act not to affect Landlords' hypothec.

And be it Enacted, That nothing herein contained shall affect the Landlords' hypothec for rents, or any other hypothec known in law.

70. INHIBITIONS.

Letters of Inhibition may be in the form of the annexed Schedule.

AND whereas it is expedient to improve the law as to the diligence of Inhibition; BE it therefore Enacted, That after the said *First* day of *October One thousand eight hundred and Thirty-six*, it shall be competent to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to Letters of Inhibition, in the form of the Schedule (No. 13.) hereunto annexed (or as near to that form as circumstances may permit), setting forth the name and designation of the Complainer, the nature and tenor of the Document of debt or obligation, or of the Interlocutor or decree in respect whereof, or of the Summons on the dependence whereof the Letters are raised, and the name and designation of the Person against whom the Letters are directed, and concluding with a Warrant to inhibit the Debtor personally, or at his dwelling-place, if within Scotland, and if furth thereof, by delivery of a copy of the Letters of Inhibition at the Record Office of the Keeper of the Records of the Court of Session, that he in no way convey, burden, or put away any of his lands, or other heritable rights or subjects, or uplift or assign any heritable debts, or contract or take on debts, or grant bonds or other securities therefor, or do any other act or deed whereby his lands or other heritable subjects or rights may be burdened, affected or attached, or the Complainer prevented from recovering out of them payment of the sums of money mentioned in the said Letters.

71. Competent to insert a Warrant for Inhibition in Summonses raised before the Court of Session

And be it Enacted, That after the said *First* day of *October*, it shall be competent to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to any Summons raised before the Lords of Council and Session, containing a Warrant of Inhibition to the effect aforesaid, in the form of the Schedule (No. 14.) hereunto annexed (or as near to that form as the circumstances may permit); and it shall not be necessary that any Warrant shall have been obtained from the Lords of Council and Session in the Bill-Chamber, to the effect of issuing such Summons; and such Warrant for Inhibition shall be as effectual as if Letters of Inhibition had been raised on the dependence of such Summons: Provided always, That such Warrant shall be executed either at one and the same time with executing the Warrant of Citation, or after the execution of such Citation, and that an Abbreviate of the said Warrant of Inhibition shall be registered in manner hereinafter provided.

No Bill or Warrant requisite.

And

72. Charge to the Lieges by publication at the Market-cross dispensed with.

And be it Enacted, That after the said *First* day of *October*, it shall not be requisite to execute Letters of Inhibition, or Summons containing Warrant for Inhibition, by publication thereof at the Market-cross of any burgh, and to return an execution that publication thereof has been made at the said Market-cross.

73. Registration of the Letters and Summons and Executions dispensed with; and Registration of an Abbreviate thereof to be sufficient.

And be it Enacted, That after the said *First* day of *October*, in place of recording a full copy of the Letters of Inhibition, or of the Summons containing Warrant of Inhibition, and the executions thereof, within *Forty* Days after the publication and execution thereof, it shall be competent and sufficient, at any time after such Letters or Summons shall have been executed, to record an Abbreviate, in the form of the Schedule (No. 15.) hereunto annexed (or as near thereto as circumstances will permit), in the General Register of Inhibitions at Edinburgh; in which Abbreviate so recorded, there shall be set forth the name and designation of the Creditor or Pursuer at whose instance the Letters or Summons have been raised, the date of signeting, the name and designation of the Debtor or Defender against whom they are directed, the description of the Document or decree in respect whereof, or the Summons on the dependence of which the Letters have been raised, the amount of the debt contained in the said Letters or Summons, the mode of execution, and the date thereof and of registration; and on this being done, the Inhibition shall have effect from the date of such registration; and the registration of such Abbreviate shall be as effectual as if the said letters, summons and executions thereof had been fully recorded.

74. Inhibition not to have effect as to acquirenda.

And be it Enacted, That such Letters of Inhibition or Summons and registration of the Abbreviate and Execution, shall not be effectual as to acquirenda after the date of the said registration, but only as to such lands or other heritable subjects, or heritable debts to which the Debtor or Defender shall have obtained right before the date of registration as aforesaid.

75. Inhibition to prescribe after *Five* Years from the date of registration, or of decree, or of the debt being due.

And be it Enacted, That after the said *First* day of *October*, every Inhibition executed, by virtue of Letters of Inhibition, in respect of any debt or obligation which at the date of the execution shall be due or prestable, shall prescribe, on the expiration of *Five* Years after the date of the registration of the said Abbreviate, unless the Inhibition shall within the said period be lawfully insisted in; and every Inhibition on the dependence of any Summons, or by virtue of any Summons containing Warrant of Inhibition, shall prescribe on the expiration of *Five* Years after the date of the final Decree pronounced in the process following thereon, unless the Inhibition be lawfully insisted in within the said period; and every Inhibition in respect of any debt or obligation which at the date of the execution of the Inhibition is due or prestable at any future period, or whereof the payment or performance is dependent on any condition

condition or contingency, shall prescribe on the expiration of *Five* Years after the date when the debt or obligation shall be payable or prestable, or the condition purified, unless the Inhibition be lawfully insisted in within the said period: Provided always, That it shall be competent at any time to continue or to renew the effect of the Inhibition for the farther space of *Five* Years, by of new executing and registering the Letters or Summons containing Warrant of Inhibition, in the same manner as if the Letters and Summons had been for the first time executed and registered.

But to be renewable by executing and registering of new.

76.
Lord Ordinary in the Outer-house and in the Bill-Chamber to have power to recall or restrict Inhibitions subject to review.

And be it Enacted, That after the said *First* day of *October* it shall be competent to the Lord Ordinary in the Outer-house of the Court of Session, before whom any Summons containing Warrant of Inhibition shall be enrolled as Judge therein, and which Warrant has been executed and registered as aforesaid; or before whom any action, on the dependence whereof Letters of Inhibition have been executed and registered, has been or shall be enrolled as Judge therein; and it shall also be competent to the Lord Ordinary on the Bills, during vacation, in either of the above cases, or where Letters of Inhibition have been raised, executed and registered on the dependence of any action before any inferior court, on the application of the Debtor or Defender, duly intimated to the Creditor or Pursuer, to recall or to restrict the Inhibition, on caution or without caution, as to the Lord Ordinary in the Outer-house, or (as the case may be) to the Lord Ordinary on the Bills, shall appear just; and to order the registration of the Inhibition either to be cancelled, or a marking made on the margin of the register where the Inhibition is recorded, that the same is recalled or restricted (as the case may be); and this order shall be as effectual as if it had been pronounced by the Inner-house of the Court of Session: Provided always, That it shall be subject to the review of the Inner-house by a reclaiming Note duly lodged within *Ten* Days from the date of the said order.

77.
ADJUDICATIONS.

No Bill necessary to authorize a Summons of Adjudication for Debt.

AND whereas it is expedient to regulate the law as to Adjudications for payment, or in security of debts, and the rights of Creditors in competition, to shorten the time of redemption, and to improve the forms of charges against heirs, in that part of Great Britain called Scotland; BE it therefore Enacted, That after the said *First* day of *October One thousand eight hundred and Thirty-six*, it shall be lawful to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to any Summons of Adjudication for payment, or in security of debt, without the necessity of a Bill being presented in the Bill-Chamber of the Court of Session, and without a Warrant passing the Bill, or authorizing such Summons to be issued; and such Summons, when duly subscribed and signeted, shall be a sufficient warrant for citation, and for all other lawful proceedings consequent thereon.

And

78.
Pursuer may conclude for general Adjudication, (without a special Adjudication) and for Decree of Expiry of Legal.

And be it Enacted, That on and after the said *First* day of *October*, in place of the form now in use under the provisions of an Act of the Parliament of Scotland, passed in the year One thousand six hundred and seventy-two, intituled, "An Act anent Adjudications," the Pursuer may, in any Summons of Adjudication for debt, conclude that the heritable subjects belonging to the Defender, enumerated in the Summons, and all his other lands and heritages, with all right, title and interest, writs, title-deeds and securities thereof, should be adjudged to belong to the Pursuer, and to all the Creditors who shall be conjoined, in manner hereinafter provided, as Pursuers heritably, but under reversion as hereinafter provided, in security and for payment of the principal debt or debts due to him or them, with interest thereon, expenses of process and dues of extract (to be accumulated into a principal sum as at the date of the decree or decrees respectively to be pronounced); and in security and for payment of the interest of such accumulated sum during the not-redemption, and of all necessary expenses; as also that on the expiration of the legal term of redemption, decree should be pronounced declaring it expired, and the subjects to belong absolutely to the Pursuer; or alternatively, that they should be sold, all as hereinafter provided: Provided always, That it shall not be necessary that the Pursuer shall conclude alternatively for a special Adjudication of the Defender's heritable subjects; and the said last-recited Act, in so far as the same is inconsistent with this Act, shall be and is hereby repealed.

79.
Summons to be called, according to existing practice, during Session; and on the Box-days during Vacation.

And be it Enacted, That on such Summons of Adjudication being executed, it shall, if the diet of compearance fall within the time when the Court of Session is sitting, be called agreeably to the existing practice; but if the diet of compearance fall within the vacation, the Summons may be called on one of the days appointed as box-days, provided the box-day be on or after the diet of compearance; and if the diet of compearance fall on a day subsequent to the box-days, or if the Summons has not been called at the box-day, it shall be called on the *First* calling day of the ensuing session.

80.
Defender to lodge Defences, if he any has, within a limited period.

And be it Enacted, That such said Summons of Adjudication being called during Session, if no appearance be made by the Defender, or if appearance has been made and the time for lodging defences has expired without defences being lodged, the Summons may be enrolled before one of the Lords Ordinary in the Outer-house, who shall order intimation in manner hereinafter provided; and if appearance be made, the Defender shall lodge Defences, if he any has, agreeably to the existing practice; and the Summons and Defences may be enrolled before one of the Lords Ordinary, who shall hear Parties thereon; and if no good cause be shown to the contrary, he shall appoint intimation to be made in the Minute-book of the Court of Session, on the walls of that

Intimation of the Summons, &c. to be made.

Court, *Once* in the Edinburgh Gazette, and at least *Once* in each week for the space of *Three* Weeks in such newspaper or newspapers as he shall see fit, that the said Summons has been raised, specifying the name of the Lord Ordinary before whom the same has been enrolled and the Clerk thereto, and of the Pursuer and Defender, in order that any other Creditors of the Defender may appear and be conjoined as Pursuers in manner hereinafter provided.

81.
If Defences due, or Summons called in Vacation, Defences to be lodged at particular times.

And be it Enacted, That if the Summons has been called during Session, but Defences do not fall to be lodged till the first box-day in the ensuing vacation, and if no Defences shall be then lodged, or if the Summons be called at the first box-day during the vacation and no appearance be then made for the Defender, the Lord Ordinary on the Bills shall forthwith order intimation in manner as hereinbefore provided; and if Defences be lodged at the said first box-day, the Summons and Defences may at any time within *Eight* Days thereafter be enrolled in a roll to be kept for that purpose in the Bill-Chamber; and the Lord Ordinary on the Bills shall, on a day appointed for the purpose, hear Parties thereon, and if no satisfactory cause be shown to the contrary, he shall appoint intimation to be made in the Edinburgh Gazette and in the said Minute-book, and in a newspaper or newspapers in manner above provided; and if appearance for the Defender be made at the calling on the first box-day, he shall lodge Defences thereto, if he any has, on or before the second box-day in the same vacation; and if no Defences are lodged at the second box-day, the Lord Ordinary on the Bills shall forthwith order intimation as hereinbefore provided; and if Defences are lodged at the second box-day, the Summons and Defences may at any time within *Eight* Days thereafter be enrolled in a roll to be kept for that purpose in the Bill-Chamber; and the Lord Ordinary on the Bills shall, on a day appointed for the purpose, hear Parties thereon, and if no satisfactory cause be shown to the contrary, he shall appoint intimation as hereinbefore provided.

Intimation to be made as above.

82.
Process not to continue before Lord Ordinary on Bills, but to be transferred to Outer-house.

And be it Enacted, That where any Summons has been enrolled before the Lord Ordinary on the Bills, the process shall not continue, after intimation has been ordered as aforesaid, before such Lord Ordinary, but it shall, for the purpose of being farther proceeded in, be enrolled before one of the Lords Ordinary in the Outer-house, in the same way as other actions are enrolled before a Lord Ordinary for the first time in the Outer-house.

83.
Review of Lord Ordinary's Order for Intimation.

And be it Enacted, That any Person aggrieved by the said Order for intimation, may bring the same under review of the Inner-house; provided that, if the Order has been pronounced by a Lord Ordinary in the Outer-house, a reclaiming Note be duly lodged within *Ten* Days after the date of the said Order; and if the Order has been pronounced by the Lord Ordinary on the Bills, provided that leave to reclaim be obtained from the said Lord Ordinary within *Ten* Days from the date of such Order, and that a reclaiming Note be duly lodged on or before the *Second sederunt* day of the ensuing Session.

84.
Creditors may appear and be conjoined as Pursuers.

And be it Enacted, That any Creditor of the Defender who is possessed of a Decree constituting his debt, or of a liquid document of debt, may, within *One Year and Day* after the date of the first effectual Decree of Adjudication to be pronounced as hereinafter provided, lodge with the Clerk to the process a Claim subscribed by Counsel, setting forth the nature of his demand, the grounds thereof, and the amount of the debt for which he claims; and he shall produce therewith the said Decree (or an extract thereof) or other liquid document of debt; and on the said Claim being duly notified to the Defender on induciæ of *Six* Days, either by a Notary Public, or by a Messenger-at-Arms in presence of one Witness; and on an execution thereof, subscribed by the said Notary, or Messenger and Witness, being produced, the Lord Ordinary may conjoin the said Creditor as a Pursuer of the said Summons, and pronounce Decree of Adjudication as hereinafter provided, without the said Creditor executing a Summons of Adjudication: Provided nevertheless, That it shall be competent for any Creditor to execute a separate Summons of Adjudication at his own instance against the same Debtor, and to follow forth proceedings therein as herein directed, but in such case the Creditor shall not be entitled to any part of the expense thereof from the Debtor, or his estate, unless he can show that the previous Summons of Adjudication was inept, in which case, if otherwise entitled to them, expenses may be awarded to him.

May raise separate Summonses, but not to be entitled to Expenses, unless original Summons inept.

85.
Separate Decrees of Adjudication in favour of each Creditor to be pronounced.

And be it Enacted, That after intimation has been made as aforesaid, the cause may be enrolled before the Lord Ordinary, who, if there be no lawful cause to the contrary, shall pronounce Decree of Adjudication, in terms of the libel, in favour of the Pursuer; and also separate Decrees of Adjudication, in terms of the libel, and of their respective Claims, in favour of each of the conjoined Creditors; or reserving, if necessary, all objections contra executionem.

86.
No objection other than 'No Process' to be competent against Decree in favour of conjoined Creditor.

And be it Enacted, That where any Creditor has been conjoined with the original Pursuer of a Process of Adjudication, it shall not be competent for the Defender to make any objection to the Decree of Adjudication in favour of such conjoined Creditor, in respect of any objection to the original summons, or to the citation, or to any of the other proceedings consequent thereon, other than the exception of "No Process;" reserving all competent defences against the debt of the original Pursuer, or the debt of the conjoined Creditors; and if the original Pursuer shall die or abandon the Summons, any Creditor conjoined,

If original Pursuer die, or abandon, conjoined Creditor may insist.

joined, who shall be admitted as a Pursuer, may insist therein, as if the action had been originally raised by him: Provided, That nothing herein contained shall affect the right of any trustee on the sequestrated estate of the Debtor to claim in the manner and to the effect provided by an Act passed in the present Session of Parliament, intituled, "An Act to regulate the Sequestration of the Estates of Bankrupts in Scotland."

87.
First effectual Decree.

And be it Enacted, That the Decree of Adjudication in favour of the Pursuer, or if he has previously thereto withdrawn, the Decree in favour of the Creditor who has first lodged his Claim, and if he has in like manner withdrawn, then the Decree in favour of the Creditor who has next thereafter lodged his Claim, and so on in their order, shall be held to be the first effectual Decree of Adjudication for behoof of all the conjoined Creditors to the effect after specified, from the date of the pronouncing thereof; provided the Abbreviate thereof shall be duly recorded within *Ten* Days after its date, as hereinafter provided; and the expense of obtaining and recording the first effectual Decree shall form a preferable claim on the price of the subjects, when sold, as hereinafter provided.

Expenses of it preferable.

88.
Lord Ordinary may dispense with induciæ.

And be it Enacted, That the Lord Ordinary may dispense with the induciæ of any Summons of constitution duly signeted, or a Claim as aforesaid subscribed by counsel, where this may be necessary to enable a Creditor to obtain Decree of Adjudication within the said *Year and Day*, reserving all objections as aforesaid.

89.
Review of Decrees and Orders.

And be it Enacted, That all the Decrees and Orders of the Lord Ordinary shall be subject to review of the Inner-house by a reclaiming Note, duly lodged within *Twenty-one* Days from the date of the Decree, unless some other time be herein specified.

90.
After Year and Day from first effectual Decree, no Creditors to be admitted; but may raise separate Adjudications of any other estate.

And be it Enacted, That after the expiration of *Year and Day* from the date of pronouncing the said first effectual Decree of Adjudication, it shall not be competent for any other Creditor to appear in the said process, or for the Lord Ordinary to pronounce in his favour any Decree of Adjudication therein; reserving to the said Creditor to raise and execute a separate Summons of Adjudication of any heritable subjects, or any right or interest belonging to the Debtor which are not included in the said original Summons, or reversionary interest remaining after satisfying the Creditors adjudging within the said space of *Year and Day*, and the proceedings in reference to and under such separate Summons shall be the same as those which are provided for by this Act.

91.
Extract and Abbreviate. Creditors may obtain Extracts or Abbreviates of Decrees separately.

And be it Enacted, That the original Pursuer, or any of the conjoined Creditors in whose favour Decrees of Adjudication have been pronounced, may obtain an Extract or Abbreviate of the Decree in his own favour, or such part of any Decree which is applicable to his debt; which Extract or Abbreviate shall be in terms, and in the form of Schedule (Number 16.) hereunto annexed (or as near thereto as circumstances will permit), and shall contain the names and designations of the Creditor and of the Debtor, the date of the Decree and of extracting the same, and a description of the subjects adjudged, and the precise amount of the debt and interest and expenses, and other sums accumulated as aforesaid, and shall be authenticated by the signature of the extractor; and it shall not be necessary that it be subscribed by the Lord Ordinary; and no other fees than the fees allowed for extracts of decrees in ordinary actions shall be charged for the same.

92.
Abbreviates to be recorded within *Twenty* Days after Year and Day from the first effectual Decree.

And be it Enacted, That such Extract or Abbreviate shall be recorded in the register of Abbreviates of Adjudication, or such other register as may for that purpose be provided, by inserting therein a full copy thereof within a period not exceeding *Twenty* Days after the expiration of *Year and Day* from the date of the first effectual Decree of Adjudication; and it shall not be necessary, after the Extract or Abbreviate of one Decree has been recorded, containing a full enumeration and description of the subjects adjudged, to repeat, in recording the Extracts or Abbreviates of Decrees pronounced within *Year and Day* which may thereafter be presented for registration, the enumeration and description of the lands, but it shall be sufficient to refer back for such enumeration and description to the entry of the recorded adjudication containing the same; and on each of such Extracts or Abbreviates being recorded as aforesaid, the Keeper of the said register shall annex thereto a Certificate that the same has been duly recorded, in terms of the Schedule (Number 17.) hereunto annexed.

93.
Creditors with such recorded Abbreviates to be ranked pari passu, and according to their rights otherwise.

And be it Enacted, That the original Pursuer and the Creditors who have obtained Decrees of Adjudication within *Year and Day* from the date of the first effectual Decree of Adjudication, and of which the Extracts or Abbreviates have been recorded within *Twenty* Days after the said period of *Year and Day*, shall be ranked equally as if they had all obtained Decrees of Adjudication for their respective debts at the date of the first effectual Decree of Adjudication, and, in other respects, according to their several rights and titles.

94.
Decrees of conjoined Creditors not to be affected by payment of the Debt in the Summons, nor of that in the first effectual Decree.

And be it Enacted, That where the debt in respect of which the Summons of Adjudication was raised has been paid or extinguished, the Decree of Adjudication in favour of any of the conjoined and subsequent adjudgers shall not be thereby invalidated; nor where the debt in the said first effectual Decree of Adjudication is paid or extinguished shall the reckoning of the said *Year and Day* be thereby affected.

95. Rights of Ancestors' Creditors preserved.

And be it Enacted, That the Creditors of the Ancestor shall be preferred to the Creditors of the Heir agreeably to their several legal rights; and nothing herein contained shall affect their respective claims of preference as in competition with each other.

96. In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all questions of Ranking of Adjudications, if a Creditor hold a preferable security for payment of his debt upon any part of the Debtor's estate not included in the Decree of Adjudication, he shall deduct from his debt the amount or value of such security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

97. Recorded Extract or Abbreviate to constitute a real burden on lands.

And be it Enacted, That where the Extract or Abbreviate of a Decree of Adjudication has been recorded in manner before provided, the sum therein specified shall, without any Charter of Adjudication or Sasine thereon, or charge to Superiors, or presenting a Signature in Exchequer, be from the date of recording a real debt on the subjects mentioned in the Decree; and the Extract or Abbreviate, with a certificate in terms of the said Schedule (Number 17.) shall be an effectual title to the Creditor in whose favour the decree has been pronounced, and to his heirs and assignees, to raise action of maills and duties, poinding of the ground, removing of tenants and sequestration of the rents, and to enter to possession of the subjects to the same effect as if he were infeft in the subjects in security of his debt, without prejudice to the rights of the Superior; but neither the Decree of Adjudication nor the recorded Extract or Abbreviate, shall transfer the said subjects in property to the Creditor during the period of redemption, nor till Decree of Expiry of the Legal be pronounced as hereinafter provided.

98. Redemption limited to *Five* Years from Year and Day after the first effectual Decree; and from dates of Decrees thereafter.

And be it Enacted, That the Debtor, his heirs, assignees, or any one in his or their right, may redeem the subjects of which Decree of Adjudication has been pronounced as aforesaid at any time within the space of *Five* Years after the expiration of *Year and Day* from the date of pronouncing the first effectual Decree of Adjudication; and where Decree of Adjudication has been pronounced after the expiration of the said term of *Year and Day* after the date of each Decree, he may redeem the same at any time within *Five* Years; and that by paying to the Creditor, his heirs or assignees, the sums of money specified in the Decree and the expenses decerned for, with the lawful interest on the sums and expenses in the Decree during the time of the not-redemption, and also the expenses of extracting the Decree and recording the extract, as the same shall be modified by the Court of Session, or consigning the same in one of the chartered Banks in Edinburgh on a receipt in favour of the said Creditor or his foresaids, and lodging the receipt with one of the Principal Clerks of Session, and duly notifying such consignation and lodging to the said Creditor or his foresaids; or by paying or consigning as aforesaid such parts of the said sum or sums as shall be resting owing to the said Creditor or his foresaids: Provided always, That where the period allowed by any Deed of Entail to redeem any Adjudication against the estate shall not exceed the period of *Ten* Years, nothing herein contained shall limit or extend the period within which any Heir of Entail may redeem such Adjudication; but when the same exceeds *Ten* Years, then the period shall be limited to *Ten* Years; and the rights of minors shall remain and be judged of in the same way as if this Act had not been passed.

Exception as to Heirs of Entail and Minors.

99.

Creditor may raise action for Decree of Expiry of the Legal, or for Sale.

And be it Enacted, That on expiration of the said period of redemption, any Creditor or any one in his right who has obtained and recorded a Decree of Adjudication as aforesaid, may either enrol the Process before the Lord Ordinary, to the effect of insisting in the conclusions of the original Summons in regard to Decree of Expiry of the said period, or alternately for a sale of the said subjects; or such Creditor may raise and execute a Summons concluding for Decree of Expiry of the said term of redemption, to have it found that the right of the Pursuer has now become absolute, and that the subjects adjudged shall in all time coming belong to the Pursuer and his heirs and assignees as his own proper lands and heritages, and Superiors be ordained to infeft and seize the Pursuer therein accordingly; or alternatively and in the Pursuer's option that the said subjects should be sold by public roup, and the Pursuer paid his debt, interest and expenses out of the price.

100.

Intimation to be made.

And be it Enacted, That in case the Creditor shall proceed by enrolling the original Process as aforesaid, the Lord Ordinary shall grant Warrant on the usual induciæ to serve a copy of such Warrant on the Defender, his heirs or successors; and if the Creditor proceed by a new action, then the Summons shall be in terms of law served on the Defender or his heirs or successors; and in both cases Notice shall be given to each of the Creditors in whose favour Decrees of Adjudication have been pronounced within *Year and Day* from the date of the first effectual Decree, or to his heirs and successors, by advertisement in the Edinburgh Gazette, and in such newspapers as the Lord Ordinary shall think fit; and if payment be not tendered, or if no lawful cause be shown to the contrary, the Lord Ordinary shall pronounce Decree declaring the legal period of redemption to be expired, and that the subjects belong to the Pursuer in terms of the conclusions of the Summons, and shall grant Warrant to charge Superiors to enter and infeft him in terms of law.

101.
Provisions where Creditor applies for sale of the lands.

And be it Enacted, That in case the said Creditor shall in place of moving for Decree of Expiry move for Decree in terms of the alternative conclusion as to the sale of the lands, the proceedings for the sale and payment or consignation of the price, and the ranking of the Creditors, and the division of the price, and in all other respects, shall be the same as in a process of ranking and sale.

102.
Charges against Heirs may be inserted in the Summons of Constitution, and Bill dispensed with.

And be it Enacted, That on and after the said *First* day of *October* it shall not be necessary for any Creditor of a deceased Debtor to expede letters of general charge or of special charge, or of general special charge or other charges against the Heir to compel him to enter or to constitute a passive title as representing such Debtor; but it shall be sufficient in any Summons of Constitution which may be raised against such Heir to insert a Warrant or Will containing a general charge, and to insert in any Summons of Adjudication a Warrant for a special charge or a general special charge, as the case may be, requiring the Heir to enter to such Debtor; or if the Heir himself shall be the Debtor, and where no Decree of Constitution is requisite, it shall be competent to insert such Warrant in any Summons of Adjudication which may be raised against such Heir, requiring him to enter to the estate to which he is heir, and that without the necessity of any Warrant from the Bill-Chamber of the Court of Session.

103.
RANKING AND SALE.

No Bill and Warrant necessary to authorize a Summons of Ranking and Sale.

AND whereas it is expedient to amend the Law as to actions of Ranking and Sale before the Court of Session, to regulate the rights of Creditors in competition, and to extend the jurisdiction of the Sheriff in Scotland to such actions where the subjects are of small value; BE it therefore Enacted, That after the said *First* day of *October One thousand eight hundred and Thirty-six*, it shall be lawful to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to any Summons of Ranking and Sale, without the necessity of a Bill being presented in the Bill-Chamber of the Court of Session, and without a Warrant passing the Bill or authorizing such Summons to be issued; and such Summons when duly subscribed and signeted shall be a sufficient warrant for citation and for all other lawful proceedings consequent thereon.

104.
Any Debtor, Owner of Lands, &c. or Heritable Creditor, or Personal Creditor for a present debt of *Five hundred* Pounds may raise an action of Ranking and Sale.

And be it Enacted, That after the said *First* day of *October* any Debtor who is the owner of heritable subjects within Scotland, whether he be Notour Bankrupt or not, and the apparent heir of such Debtor, and any heritable Creditor of such Debtor, whether the Creditor be infeft and in possession or not, and any personal Creditor of such Debtor, whose debt shall amount to the sum of *Five hundred* Pounds, and the trustee on the Debtor's sequestrated estate, may raise and insist in a Summons of Ranking and Sale of the heritable subjects of such Debtor before the Court of Session: Provided always, That where the Summons is raised and insisted in at the instance of an heritable or personal Creditor, the Debtor shall be Notour Bankrupt, and the debt claimed by such Creditor shall not be future or contingent.

105. Compearing Creditor may insist, although the Pursuer die, or abandon the action.

And be it Enacted, That where any such Summons has been called, whether at the instance of the Debtor himself, or of his heir apparent, or of a Creditor, it shall be competent, although the original Pursuer may have died or abandoned the action, for any Creditor, qualified as before provided, or the Trustee on the Debtor's sequestrated estate, who shall make appearance as hereinafter provided, to insist therein in the same way and to the same effect as if the Summons had been originally raised by such Compearer; and where such Compearer has been conjoined as a Pursuer, no objection to the proceedings in the process, nor to the sale, nor to the title of the purchaser, shall be competent on the ground of any nullity in the title or document of debt of the original Pursuer.

106. Not necessary in the Summons to have the concurrence of the Lord Advocate; nor to allege possession by an heritable Creditor; nor insolvency.

And be it Enacted, That after the said *First* day of *Ootober* it shall not be necessary to obtain the concurrence of His Majesty's Advocate to any Summons of Ranking and Sale, nor to set forth that it is pursued with his concurrence, for His Majesty's interest; nor that the heritable Creditor Pursuer thereof is in possession of the heritable subjects mentioned in the Summons; nor that the debt or owner thereof is insolvent: Provided always, That he be Notour Bankrupt.

107. Conclusions of the Summons.

And be it Enacted, That where the said Summons is raised by the Debtor or his apparent heir, he shall conclude that the heritable subjects enumerated in the Summons should be adjudged to belong to all the Creditors who shall be included in the decree of division; and where it is raised by an heritable or personal Creditor or Trustee as aforesaid, he shall set forth that the Debtor is Notour Bankrupt, and conclude that the heritable subjects set forth in the Summons, or afterwards condescended in, as hereinafter provided, should be adjudged to belong to the Pursuer, and all the Creditors who shall be included in the decree of division; and in either case the Pursuer (whether he be the Debtor, apparent Heir or Creditor) shall conclude that decree of certification, without exception of minority, should be pronounced against those Creditors who fail to appear and produce their claims, grounds of debt and oaths of verity, on or before a day to be appointed in the course of the process, or who shall not be included in the decree of division; that the heritable subjects should be sold, and decree of sale pronounced in favour of the Purchaser, which should have the effect of an irredeemable Adjudication, disencumber the lands of all heritable debts thereon, and operate as an assignation to the Purchaser of the debts to the extent of the price to be received by each of the Creditors, who should be bound to warrant their debts to the said extent and titles thereof, but not the titles to the said heritable subjects, reserving the rights of the Creditors in the debts, so far as relates to the Debtor, quoad ultra as accords; and farther, that the Purchaser, on payment or consignation of the price, as hereinafter provided, should be discharged, and Superiors ordained to enter and grant Charters to, and to infeft the Purchaser in the said heritable subjects; that the Creditors compearing should be ranked on the said subjects, or the price thereof, according to their respective rights and interests; and that the price should be divided among them accordingly.

108.
Debtor and heritable Creditors to be cited specially, and all others edictally.

And be it Enacted, That where the said Summons is raised by the Debtor or his heir apparent, the heritable Creditors in possession of the said heritable subjects, or any part thereof, shall in terms of law be severally cited to make appearance, and all other Creditors or others having interest shall be cited edictally on induciæ of *Sixty* Days, at the Record Office of the Keeper of the Records of the Court of Session, without the necessity of any other citation; and where the Summons has been raised by an heritable or personal Creditor, or the said Trustee, the Debtor and the heritable Creditors in possession shall be severally cited in terms of law, and all other Creditors or others having interest shall be cited edictally at the Record Office in manner before provided, on induciæ of *Sixty* Days, without any other citation whatsoever: Provided always, That nothing herein contained shall affect the rules relative to the judicial sale of the estate of a Bankrupt sequestrated by virtue of an Act passed in the present Session of Parliament, intituled, "An Act to regulate the Sequestration of the Estates of Bankrupts in Scotland."

109.
Summons to be called according to existing practice if during Session;

And be it Enacted, That on the said Summons being executed it shall, if the diet of compearance fall within the time when the Court of Session is sitting, be called agreeably to the existing practice, but if the diet of compearance fall within the vacation, the Summons may be called on one of the days appointed as box-days, provided the box-day be on or after the diet of compearance; and if the diet of compearance fall on a day subsequent to the box-days, or if the Summons has not been called at the box-day, it shall be called on the *First* calling day of the ensuing Session.

and on the Box-days during Vacation.

110.
Defender to lodge Defences, if he any has, within a limited period.

And be it Enacted, That on the Summons being called during Session, if no appearance be made by the Defender or any other Person having a lawful interest, or if appearance has been made, but the time for lodging defences has expired without defences being lodged, the Summons may be enrolled before one of the Lords Ordinary in the Outer-house, who shall order intimation as hereinafter provided; and if appearance be made at the said calling, the Defender or such Person shall lodge Defences (if he any has) agreeably to the existing practice;

and if the Summons be called at any of the box-days during the vacation, the Defender shall lodge Defences thereto (if he any has) on or before the *Third* sederunt day of the ensuing Session.

called in Vacation, Defences, if any, to be lodged before *Third* sederunt day.

111.
Debtor to lodge a Condescendence of his Lands, and to produce Titles; and intimation to be made as for the first Term.

And be it Enacted, That on the expiration of the time for lodging defences as aforesaid, the said Summons may be enrolled with or without defences before the Lord Ordinary, who, if defences be lodged, shall hear Parties thereon, and if no satisfactory cause be shown to the contrary, or if no defences have been lodged, he shall appoint the Defender to lodge within a limited time a Condescendence of his whole heritable subjects, and to produce the title-deeds, leases, missives of lease, rentals and other documents relative to the said heritable subjects; and he shall grant diligence to the Debtor or Creditor Pursuer thereof or other Party having interest to recover the same, and also (if necessary) to recover evidence of the Debtor's Notour Bankruptcy; and the Lord Ordinary shall at the same time appoint the Pursuer to publish an intimation in the Minute-book of the Court of Session, on the walls of that Court, *Once* in the Edinburgh Gazette, and at least *Once* in each week for the space of not less than *One* Month in such newspaper or newspapers as he shall see fit, that the said Summons of ranking and sale has been raised, and requiring the Creditors to lodge with the Clerk to the Process their claims, grounds of debt and oaths of verity on or before a certain day, for the first term, being not less than *Ten* Days after the expiration of the said *Month*, with certification as in an action of reduction-improbation; and it shall not be necessary to extract this Order, nor shall any fees be paid as if the same were extracted.

112.
Separate Actions of Adjudication and Constitution not to be raised after the first intimation.

And be it Enacted, That after the day of publication of the first notice or term in the said Gazette, it shall not be competent for any Creditor to raise or insist in any Summons of Adjudication of the said subjects, or any Action of Constitution with a view to claiming thereon, reserving right to such Creditor to lodge a claim in the action of ranking and sale in manner hereinafter provided for his debt, and for any expenses which may be due to him in respect of any Summons of Adjudication or Constitution which he may previously to the notice have raised, and proceedings consequent thereon, reserving also all objections to the debt; and this rule shall apply to all actions of ranking and sale, whether raised at the instance of the Debtor himself, or of an apparent Heir or of a Creditor.

113.
Requisites to entitle a Creditor to appear and be conjoined.

And be it Enacted, That at any time after the calling of the Summons and before decree of reduction contra non producta shall be pronounced as hereinafter provided, but not thereafter (subject always to the provision hereinafter made), any Creditor of the Debtor or the Trustee on his sequestrated estate may lodge with the Clerk to the Process a Claim, setting forth the nature of his debt, the amount thereof, and the grounds on which it is founded, and he shall therewith produce the vouchers of his debt (if he any has) and an oath of verity, sworn before the Judge Ordinary of his domicile, or before a Justice of the Peace, or before a Commissioner of Bankruptcy, or before a Magistrate or other Officer duly authorized to administer oaths in England or in any other country, declaring that in the case of the said Trustee it shall be sufficient to lodge an Extract of the act and warrant of his confirmation, and a Claim for the amount of the debts ranked in the sequestration; and if there be no lawful cause to the contrary, every such Creditor or Trustee shall be conjoined as a Pursuer of the Action; and where such claim has been duly lodged it shall have the same effect as if the Creditor had raised and executed a Summons of Constitution against the Debtor or his apparent Heir, and shall interrupt prescription.

Compearance to be equivalent to an Action of Constitution.

114.
Second Intimation as for second Term, and Notice of Election of common Agent to be published.

And be it Enacted, That on expiration of *Ten* Days after the first term, the Pursuer, or any Creditor who may have duly lodged his claim, grounds of debt and oath of verity, may enrol the Action before the said Lord Ordinary, who shall thereupon appoint the person by whom the Action has been enrolled, to publish, as for the second term, in an Action of Reduction-Improbation, an intimation in the Minute-book of the Court of Session, and on the walls of the said Court, and *Once* in the Edinburgh Gazette, and *Once* weekly for the space of *Three* Weeks in such newspaper or newspapers as the Lord Ordinary may direct, requiring all concerned to lodge their claims, grounds of debt and oaths of verity, with certification that Decree of Reduction contra non producta shall be pronounced on a certain day, being not sooner than *Three* Weeks, and not longer than *One* Month, after the date of the said intimation in the Gazette, and that all those who shall not have produced their claims, grounds of debt and oaths of verity on or before that day, shall be excluded from any share in the division of the price of the subjects; and that on a certain other day and hour, being not less than *Eight* Days after the said day on which Decree of Certification is to be pronounced, a meeting of those Creditors who shall have lodged claims as aforesaid shall be held at a specified place for the election of a common Agent in the said Action; and it shall not be necessary to extract this Order, nor shall any fees be paid as if the Order were extracted.

115.
Decree of Reduction-Improbation contra non producta.

And be it Enacted, That on the day appointed as aforesaid, or so soon thereafter as conveniently may be, the Lord Ordinary shall pronounce Decree of Reduction-Improbation contra non producta; and it shall not be necessary to extract the said decree, nor shall any fees be paid as if the same were extracted, unless the same be actually extracted: Provided always, That it shall be competent for any Creditor on producing a Claim, with his grounds of debt and oath of verity,

Lord Ordinary may repone.

verity, in manner above provided, to present a note to the Lord Ordinary, within *Twenty-one* Days after the date of the said decree, praying to be reponed against the same; and it shall be lawful for the Lord Ordinary, on cause shown and on payment of such expenses as he shall see fit, to repone the said Creditor against the said decree; but declaring that the Creditor so reponed shall not be entitled to make any objection to the regularity of the election of the common Agent, reserving right to him to complain of the conduct of such Agent as accords of law.

116.
Proceedings relative to election of common Agent.

And be it Enacted, That at the time appointed by the Lord Ordinary, the Creditors who shall previously to the pronouncing of the Decree of Reduction contra non producta have duly lodged their claims, grounds of debt and oaths of verity, or their mandatories authorized in writing, shall assemble at the place appointed as aforesaid, and shall proceed to elect a fit and competent Person to act as common Agent in the Action; and the Person who shall have the majority of the votes of the Creditors in value present by themselves or mandatories, shall be common Agent: Provided always, That his election shall be confirmed by the Lord Ordinary, who shall administer to him the oath de fideli administratione.

117.
Powers of Lord Ordinary to be the same as Inner-house, subject to review.

And be it Enacted, That the Lord Ordinary, before whom any Action of Ranking and Sale shall be enrolled, whether the same has been raised before or after the said *First* day of *October*, shall have the same powers which are by law competent to and possessed by the Inner-house of the Court of Session, in relation to the sale of the subjects, and also to the sequestration thereof, and the appointment of a factor thereon: Provided always, That any interlocutor or decree pronounced by the Lord Ordinary shall be subject to the review of the Inner-house.

118.
Proof of value with a view to sale.

And be it Enacted, That after the common Agent shall have been elected and confirmed, he shall for the purpose of fixing the upset price and furnishing information to intending purchasers, prepare a State of the titles and the holdings of the subjects, and of the amount of the burdens thereon, and of the rental or annual value thereof, and of the duration of the leases; and if the titles, leases, rentals and other documents recovered or produced in process shall not afford sufficient information, the Lord Ordinary shall, on the motion of the common Agent, grant diligence to cite Witnesses, and commission to the Sheriff of the shire in which the subjects or greater part thereof are situated, or to some other fit Person to take the necessary evidence; and after the diligence and commission are reported, the common Agent shall complete the said State, and shall thereupon apply to the Lord Ordinary to remit to any *Two* qualified Persons to report as to the value of, or the price to be put on, the said subjects, which remit the Lord Ordinary shall grant accordingly; and on the Report being made, the Lord Ordinary shall, on the motion of any Person having interest, hear all objections to the said State and Report, and either confirm or alter the same as to him shall seem just: Provided always, That it shall not be competent to make up any prepared State or Memorial and Abstract (except as before provided) in regard to the value of the said subjects and other matters relating thereto as has hitherto been the practice.

Prepared State and Memorial and Abstract dispensed with.

119. Upset Price to be fixed. Articles of Roup to be settled, and Subjects sold.

And be it Enacted, That on such State and Report being finally approved of, the Lord Ordinary shall (whether the ranking of the Creditors be concluded or not), unless cause be shown to the contrary, appoint the said subjects to be exposed for sale by public roup, at such time and place as shall be most beneficial for all concerned; and for that purpose he shall fix the upset price either of the whole subjects in one lot or in separate lots as may be most expedient, and direct articles of roup thereof to be framed by the common Agent; and if the sale is to take place elsewhere than in Edinburgh, he shall appoint the same to take place in presence of the Sheriff of the shire where the subjects or great part thereof lie, as Judge of the roup; and if the sale is to take place in Edinburgh, he shall appoint it to be made in presence of *One* of the Principal Clerks of Session as Judge of the roup; and shall remit to the said Sheriff or to the said Principal Clerk (as the case may be) to settle along with the common Agent the terms of the articles and minutes of roup, who shall do so accordingly, and the articles and minutes shall thereupon be subscribed by the common Agent for behoof of all concerned; and the Lord Ordinary shall direct the sale to be intimated in the Minute-book of the Court of Session, *Once* in the Edinburgh Gazette, and at least *Once* weekly for such period as to him shall appear to be expedient in such newspaper or newspapers as to him shall seem fit; and it shall not hereafter be lawful to pronounce any other Warrant of Publication than the order above specified, nor to extract or give out Letters of publication, nor to follow out the forms of publication and citation required in processes of Judicial Sale by certain Acts passed in the Parliament of Scotland in the years One thousand six hundred and eighty-one, and One thousand six hundred and ninety-five, nor for the Lord Ordinary on the Bills or any other Lord Ordinary to preside at such sale, nor to extract the said order, nor shall any fees be paid in respect thereof.

Sale to be advertised.

120. Decree of Sale to be pronounced.

And be it Enacted, That the said subjects shall as hereinbefore provided be exposed to sale, and if they are not sold at the upset price, the Lord Ordinary may lower the same until the subjects be sold; and on the same being sold, the Lord Ordinary shall pronounce a Decree of Sale in favour of the Purchaser, which shall have the same effect as if it were pronounced by the Inner-house of the Court of Session, and operate as an irredeemable Decree of Adjudication in favour of the Purchaser, and disencumber the said subjects of all heritable debts or other securities contracted or granted by the Debtor, his authors or predecessors thereon, and operate as an assignation of the securities thereof, in so far as the same can apply to or affect the subjects sold, and as a discharge to the Debtor of such debts, to the extent of the share of the price received by each of the Creditors respectively, reserving their rights thereto quoad ultra as accords of law, in so far as relates to the Debtor; and the Creditors shall be bound to warrant the validity of such debts to the extent of the shares of the price received by them respectively and titles thereto, but not the validity of the Debtor's titles to the said subjects; and the Lord Ordinary shall grant Warrant to charge Superiors to enter and infeft the Purchaser in the said subjects; and the title of the Purchaser may thereupon be made up by Charter and Sasine in common form.

121. Payment and Consignation by the Purchaser.

And be it Enacted, That in every case where such subjects have been sold, it shall be lawful to the Purchaser, at the term of payment of the price, or at any term of Whitsunday or Martinmas thereafter, on giving *Three* Weeks notice thereof to the common Agent, to lodge the price, with the interest then due upon it, in any of the chartered Banks in Edinburgh, at such rate of interest as can be procured for it, on a receipt in name of the common Agent, for behoof of all concerned; and on lodging such receipt in the hands of the Clerk of the Process, the Purchaser shall be discharged of the price and interest thereon; and it shall not be competent for the Purchaser to make consignation in the terms required by the said last mentioned Acts of the Parliament of Scotland; but nothing herein contained shall entitle the Purchaser to retain possession of the price beyond the term of payment.

122. Omitted Subjects: to be sold in manner herein provided.

And be it Enacted, That where any of the Debtor's heritable subjects has been omitted to be included in the said Summons or the Condescendence, it shall not be competent thereupon to ground any objection to the proceedings: Provided always, That it shall be competent for any one, having a lawful interest, to lodge, at any time before the final close of the process, a Condescendence, setting forth the subjects which have been omitted; and the Lord Ordinary shall, unless lawful cause be shown to the contrary, appoint the said subjects to be sold, and the price divided in the same way as if such omitted subjects had been enumerated in the Summons or the Condescendence.

123. No Duties to be exigible on Advertisements in the Gazette or sales.

And be it Enacted, That no duties or notices or advertisements inserted in the Edinburgh Gazette, as provided by this Act (except those under powers of sale, as hereinafter provided) shall be exigible in respect of any stamp duty, or other Government duty whatsoever; and no rates or duties imposed by any Statutes upon the sale of estates by auction shall be exigible on the sale of any estates by virtue of this Act.

124.
In questions of Ranking, Decree of Sale to be equivalent to Decree of Adjudication in favour of Creditors.

And be it Enacted, That the Decree of Sale shall, in all questions of ranking among the Creditors, have the effect of a first effectual Decree of Adjudication in favour of all the Creditors included in the Decree of Division; and shall operate in favour of the Creditors of the ancestor who have claimed and been conjoined in the process of ranking and sale, as if such Creditors had adjudged separately.

125.
Creditors to be ranked according to their respective rights.

And be it Enacted, That, after the common Agent has been confirmed, he shall (whether the subjects have been sold or not) frame a State of the respective rights of the Creditors, with a view to the ranking of them in the manner which has been hitherto practised; and the Lord Ordinary shall hear parties thereon, and pronounce such judgment in relation thereto as shall be just, and also a Decree of Ranking; and it shall not be necessary to extract such Decree of Ranking, nor shall any fees be paid in respect thereof, as if it were extracted.

Not necessary to extract Decree of Ranking.

126.
In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all questions of ranking, if any Creditor hold a preferable Security for payment of his debt, upon any part of the Debtor's estate or effects, not included in the Decree of Sale, he shall deduct from his debt the amount or value of such Security, and he shall only be ranked for the balance after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

127.
Price to be divided among the Creditors, and not necessary to extract Decree.

And be it Enacted, That after the Decree of Ranking of the Creditors has been pronounced, the Lord Ordinary shall direct such proceedings to be taken as may be necessary for dividing the price of the subjects among the Creditors, who have claimed and been admitted in the process according to their respective rights, and shall thereafter pronounce Decree of Division; and it shall be competent for the Lord Ordinary to grant Interim Decree and Warrant for payment, in favour of any Creditor who may be lawfully entitled to such Decree, subject always to the review of the Inner-house; and it shall not be requisite to extract any of the said Decrees, nor shall any fees be paid in respect of such Extract, as if they were extracted: Provided always, That the Party paying, in terms of the said Warrant, shall be discharged, as if the said Decrees had been extracted.

128.
Sheriff authorized to sell Lands and others of the value of *One thousand five hundred pounds*, or *One hundred pounds* per year, and divide the price.

And be it Enacted, That where the value of any heritable subjects belonging either to one Person or to more Persons jointly, shall not exceed the value of *One thousand five hundred* Pounds, or whereof the rents shall not exceed the sum of *One hundred* Pounds yearly, it shall be competent for the Sheriff of the shire in which the said lands and others are situated, to exercise jurisdiction in any Action which may be raised before him at the instance either of the said Person or Persons; or where such Person or Persons is or are Notour Bankrupt as aforesaid, at the instance of any heritable Creditor, whether infeft and in possession or not, or of any personal Creditor where the debt of such personal Creditor, being neither future nor contingent, shall amount to the sum of *One hundred* Pounds for the sale of such subjects, and to divide the price thereof among the Creditors of such Person or Persons as in a process of multiplepoinding; and the Sheriff shall grant warrant to cite the Debtor and the heritable Creditors (as the case may be) to appear within such time, being not longer than *Three* Weeks after the date of service; and to publish a notice *Once* in the Edinburgh Gazette, and *Once* a week, for *Three* Weeks, in such newspaper as he shall see fit, calling on all concerned to appear and show cause why the prayer should not be granted; and on expiration of the said period the Sheriff shall ascertain the value of the subjects, both with reference to the question of competency of the Action, and the Notour Bankruptcy of the Debtor, and to the sale of the lands and others; and direct a common Agent to be chosen, and appoint the time and place of sale, and fix the upset price, and superintend the sale, and pronounce decree of sale in favour of the Purchaser, and divide the price among the Creditors according to their several rights, subject always to the review of the Court of Session, all in the way which shall be fixed by an Act of Sederunt to be made by the Court, and which Act they are hereby required to make, and copies thereof shall forthwith be transmitted to the Secretary of State for the Home Department to be laid before both Houses of Parliament; and although the said subjects when exposed to sale shall produce a larger price than the said sum of *One thousand five hundred* Pounds, or a greater annual value than a rental of *One hundred* Pounds yearly, it shall not be competent to object to the validity of the sale on the ground that the value of the said subjects truly exceeded the sum of *One thousand five hundred* Pounds or *One hundred* Pounds yearly; and the Sheriff-Clerk and Sheriff-Officers shall possess full power and authority to act in their respective offices in relation to such Actions.

Act of Sederunt to be made.

129.
Powers of Sale.
Creditors holding Powers of Sale entitled to execute them after the Bankruptcy or Death of the Debtor.

AND whereas it is expedient to regulate the law as to the exercise of Powers of Sale contained in heritable securities; BE it therefore Enacted, That on and after the said *First* day of *October One thousand eight hundred and Thirty-six*, any Creditor who is infeft in heritable subjects, by virtue of an heritable bond or other deed or deeds competent to constitute a real burden on heritable subjects, containing a power to sell the subjects in payment of debt, may lawfully carry such power into execution, notwithstanding the Bankruptcy or Death of the Debtor, granter of the deed, and notwithstanding the minority of the Heir of the Debtor and the currency of the annus deliberandi; provided that due notification be made to the Debtor, and in case of his death to his heir, and that all the stipulations and conditions specified in the deed be complied with; and if the Heir be minor or not known, the Person who is desirous to exercise the power shall obtain the authority of the Lord Ordinary on the Bills, or the Sheriff, as hereinafter provided.

130.
Creditor may apply to the Lord Ordinary on the Bills, or Sheriff, to grant authority to sell.

And be it Enacted, That any Creditor who is infeft in heritable subjects by virtue of any deed in security of debt, containing a Power of Sale (whether there be other debts heritably secured thereon, and whether the same be prior or posterior or not to the Petitioning Creditor's debts), may apply by summary Petition to the Lord Ordinary on the Bills, or to the Sheriff of the shire where such subjects or the greater part thereof are situated, for a Warrant to sell them, in terms of the said deed, or in such other terms as to the Lord Ordinary or the Sheriff (as the case may be) shall appear beneficial for all concerned; and thereafter to divide the price among all the Creditors duly infeft in such subjects according to their respective rights.

131.
Proceeding with a view to Sale.

And be it Enacted, That on the Petition being in terms of law notified to the Debtor, or in case of his death to his Heir, and if the Heir be in minority to his Tutors and Curators (if he any has), and to any Creditors of the Debtor who are infeft in the subjects in security of debt, the said Lord Ordinary or the Sheriff (as the case may be) shall, if no lawful cause be shown to the contrary, grant such Warrant; and the Lord Ordinary or the Sheriff (as the case may be) shall direct the sale to be advertised in terms of the said deed, or in such other terms as shall appear to be beneficial for all concerned; and appoint articles of roup to be prepared and settled, and a fit Person to act as Judge of the roup, and fix the price at which the subjects shall be offered for sale; and where the Person against whom the said Petition is presented as aforesaid to the Sheriff is domiciled within the territory of another Sheriff, it shall be lawful for such other Sheriff to indorse the Warrant of Service; and on the Warrant so indorsed being executed in terms of law, it shall be as effectual to compel the Person on whom it has been served to appear before the Sheriff by whom the Warrant has been issued as if he were domiciled within the territory of such last-mentioned Sheriff.

132.
Subjects to be sold, and Decree of Sale pronounced.

And be it Enacted, That the subjects shall be exposed to sale as above provided; and if they are not sold at the upset price, the Lord Ordinary on the Bills or the Sheriff (as the case may be) may lower the price until they be sold; and on being sold the Lord Ordinary on the Bills or the Sheriff (as the case may be) shall pronounce a Decree of Sale in favour of the Purchaser, which decree shall have the same effect as an irredeemable Decree of Adjudication in favour of the Purchaser, and disencumber the subjects of all heritable debts or other securities thereon contracted by the Debtor, his Authors or Predecessors, and operate as an assignation to him of the securities thereof in so far as the same can apply to or affect the subjects contained in the Decree of Sale, and as a discharge to the Debtor of the debts to the extent of the shares of the price paid to the respective Creditors, reserving their rights thereto in so far as relates to the Debtor quoad ultra as accords of law; and the Creditors shall be bound to warrant their debts to that extent and their titles thereto, but not the validity of the Debtor's titles to the subjects; and the Lord Ordinary on the Bills or the Sheriff (as the case may be) shall grant Warrant, if necessary, to charge Superiors to receive and enter the Purchaser as Vassal.

133.
Payment and Consignation by the Purchaser.

And be it Enacted, That the Purchaser may at the specified term of payment of the price, or at any subsequent term of Whitsunday or Martinmas, on *Three* Weeks notice to the Creditor at whose instance the sale has taken place, lodge the price with the interest then due upon it in any of the chartered Banks in Edinburgh, or in any of the branches thereof, at such rate of interest as can be procured for the same on a receipt in name of the Clerk of Court, subject to the orders of the Judge for behoof of all concerned; and on lodging the receipt in the hands of the Clerk the Purchaser shall, if no lawful cause be shown to the contrary, be discharged of the price and interest thereon: Provided always, That nothing herein contained shall entitle the Purchaser to retain the price beyond the term of payment; and it shall be competent to any Creditor duly infeft in the said subjects to apply by Petition to the said Lord Ordinary or the Sheriff (as the case may be) to compel the Purchaser to lodge the price and interest thereof at the term of payment in one or other of the said Banks.

134.
Requisites to entitle a Creditor to be conjoined in the Proceedings for Sale.

And be it Enacted, That after such Petition has been presented to the Lord Ordinary on the Bills or to the Sheriff (as the case may be), any Creditor infeft in the subjects in security of debt with a power of sale, or the Trustee on the sequestrated estate of the Debtor, may compear and be conjoined as a joint Petitioner, and such Compearer may insist in the same although the Creditor by whom it was presented shall die or desert the same: Provided, That such Creditor or Trustee shall lodge with the Clerk to the process a Claim setting forth the nature of his debt and the amount thereof, and therewith produce the Bond or other Deed, with the relative instrument of Sasine, in virtue of which such debt has been constituted a burden on the said subjects, or the act of sequestration or authentic extracts thereof.

135.
Proceedings for Ranking and Division in Court of Session.

And be it Enacted, That where the Petition has been presented to the Lord Ordinary on the Bills, and the subjects have been sold, and Decree of Sale pronounced as aforesaid, the Petition shall be enrolled before one of the Lords Ordinary in the Outer-house of the Court of

Session, with a view to the ranking of the Creditors, and the division of the price among them, according to their respective rights and interests; and the further proceedings shall take place as in a process of multiplepoinding.

136. Proceedings for Ranking and Division before the Sheriff.

And be it Enacted, That where the Petition has been presented to the Sheriff, and the subjects have been sold as aforesaid, the further proceedings, with a view to the ranking of the Creditors, and the division of the price, shall take place as in a process of multiplepoinding.

137. Interlocutors and Decrees subject to review.

And be it Enacted, That the Interlocutors and Decrees pronounced by the Lord Ordinary on the Bills, or the Lord Ordinary in the Outer-house, or the Sheriff, shall be subject to review, in the same way as interlocutors and decrees pronounced by them in other cases are by law subject to review.

138. This Act not to affect Rights of Creditors to sell in terms of their powers.

And be it Enacted, That nothing herein contained shall affect the right of any Creditor holding an heritable Power of Sale, to bring the subjects therein specified to sale in manner mentioned in the deed or deeds containing the power: Provided always, That if there be prior heritable Creditors who do not consent to the sale, the subjects shall be sold under burden of the debts and interest due to such Creditors thereon; and where there are postponed heritable Creditors who do not consent to the sale, the proposal of sale shall be intimated to them by a Notary Public; and any postponed Creditor, on paying the debt, interest and expenses to the prior Creditor proposing to sell, shall be entitled to an assignation thereto; and such payment shall be effectual to prevent the sale of the said subjects.

139. Creditors entitled to purchase.

And be it Enacted, That where any subjects, heritable or moveable, are exposed to sale under the authority of the Lord Ordinary or the Sheriff, by virtue of this Act, it shall be lawful for any Creditor, whether the sale be at his instance or not, to become the Purchaser.

140. POINDINGS OF THE GROUND. Competent for Superiors and real Creditors to apply by Summary Petition to the Sheriff for Warrant to Poind the Ground in payment of Feu-duties, Annual Rents, and Interest.

AND whereas it is expedient to regulate the diligence of Poinding of the Ground; BE it therefore Enacted, That after the said *First* day of *October One thousand eight hundred and Thirty-six*, any Superior and any Person infeft in any heritable subject in security of an annual rent, or of a debt and interest thereof, or who is vested in any debitum fundi or real debt, may apply to the Sheriff of the county in which the heritable subjects or the greater part thereof are situated, by Petition, for Warrant of Service on the Debtor, and (if he shall be a different Person) on the Proprietor or Life-renter of the heritable subjects, and on the tenants or possessors, requiring them to lodge answers within *Fifteen* Days from the date of service; and also for Warrant to poind and sell, in manner hereinafter provided, the moveable goods and effects which are then or may thereafter be on the ground thereof, in payment of the duties, annual rents and interest payable to the Superior or other Person as aforesaid, and arrears thereof for *Three* Years prior to the date of the said Petition, (but in so far as regards the tenants, to the extent only of the rents which may be due by them respectively); which Warrant of Service the Sheriff shall forthwith grant, and on expiration of the said *Fifteen* Days, he shall also, if no lawful cause be shown to the contrary, grant Warrant to Poind in terms of the prayer of such Petition.

Sheriff to grant Warrant.

141. Warrants to be effectual although part of Subjects or Debts be within another territory, if duly indorsed.

And be it Enacted, That all such Warrants shall be good and effectual although part of the subjects be situated within the territory of another Sheriff, and although the Debtor be domiciled within that territory, provided that the Warrants be indorsed by the Sheriff within whose territory the goods to be poinded are situated, or the Debtor is domiciled.

142. Not competent to Poind Ground for principal Debt.

And be it Enacted, That after the said *First* day of *October* it shall not be competent to poind the ground in respect of the principal debt itself, either by virtue of the said Warrant, or Letters of Poinding the Ground, but it shall be competent to do so only for the duties, annual rents, interest and arrears thereof as aforesaid, agreeably to the law heretofore existing as to the diligence of Poinding of the Ground.

143. Pointed Goods to be valued.

And be it Enacted, That where an Officer of the law shall execute a Poinding in virtue of Letters of Poinding of the Ground, or any other Warrant of Poinding of the Ground, he shall cause the poinded goods to be valued by *Two* licensed Appraisers or *Two* skilled Valuators, and one valuation shall in every case be sufficient.

144. Effects to be left with Possessor, and Schedule given to him and the Debtor.

And be it Enacted, That the said Officer shall leave the poinded effects with the Person in whose possession they were when poinded, and he shall, in terms of law, deliver to the Debtor and to such Possessor (if he be a different person from the Debtor) a Schedule specifying the poinded effects, and at whose instance they were poinded, and the appraised value thereof; which Schedule shall be subscribed by the Officer, and by the Appraisers or Valuators.

145. Officer to report Poinding within *Eight Days.*

And be it Enacted, That the said Officer shall, within *Eight* Days after the day on which the Poinding was executed, (unless cause shall be shown why the same could not be done within the period of *Eight* Days) report the execution thereof to the Sheriff, granter of the original Warrant; in which Report he shall specify the circumstances connected with the Poinding, and particularly the effects poinded, the appraised value thereof, the names and designations of the Appraisers or Valuators at whose instance they were poinded, the Person in whose hands the effects were left, and the delivery of the Schedule as aforesaid; which Report shall be subscribed by him and one witness, and he shall therewith produce a valuation, subscribed by the Appraisers or Valuators.

146.
Sale to be advertised, and notice given to the Debtor and Possessor.

And be it Enacted, That on the Report being made, the Sheriff shall, if necessary, give orders for the security of the effects, and if no lawful cause be shown to the contrary, he shall grant Warrant to sell them by public roup, at such time and at such place, and upset price, and at the sight of such person as Judge of the roup, and to publish such notice of the sale, with power to such Judge to diminish the upset price to a certain extent, if the upset price be not offered, all as may appear to the Sheriff most expedient for all concerned: Provided always, That the sale shall not take place sooner than *Eight* Days, nor at a longer period than *Twenty* Days after the date of the publication of the said notice of sale; and the Sheriff shall order a copy of the Warrant of Sale to be served on the Debtor and on the Possessor of the poinded effects (if he be a different person from the Debtor) at least *Six* Days from the date of the sale.

147.
Effects to be sold or delivered to Poinding Creditor.

And be it Enacted, That the poinded effects shall be offered for sale, and sold as ordered; but if no Offerers appear, the effects, or such part as shall satisfy the debt, interest and expenses due to the Poinding Creditor, shall be delivered by the Judge of the roup to the Poinding Creditor, or to his authorized Agent.

148.
Report and price to be lodged.

And be it Enacted, That on the effects being sold, or delivered as aforesaid, the Judge of the roup shall, within *Eight* Days after the date of the sale, make a Report to the Sheriff of such sale or delivery; and if the effects shall have been sold, he shall also, within the said space of *Eight* Days, lodge with the Sheriff-Clerk the Roup-rolls, or certified copies thereof, and an account of the sum arising from, and of the expenses of the sale; which sum he shall, within *Eight* Days, lodge in the hands of the Sheriff-Clerk; and the said sum, after deduction of lawful charges, shall, if no lawful cause be shown to the contrary, be ordered by the Sheriff to be paid to the Poinding Creditor (provided the amount does not exceed the amount of the debt, interest and expenses); and the report and relative documents, when lodged, shall be patent to all concerned, on payment of a fee of *One* Shilling only.

149.
Creditor entitled to purchase.

And be it Enacted, That where any effects are exposed to sale as aforesaid, it shall be lawful for any Creditor to purchase the same.

150.
Unlawful Intromitter liable in Double the appraised value.

And be it Enacted, That if any Person shall unlawfully intromit with, or carry off the poinded effects to disappoint the Poinding, he shall be liable in *Double* the appraised value, which may be recovered by a Petition to the Sheriff of the county within which the effects were poinded, or within which the party so intromitting or carrying off is domiciled, or by an ordinary action before the Court of Session, at the instance of the Poinder.

151. Poinder of the Ground to be preferred, if Warrant of Service executed prior to certain dates.

And be it Enacted, that after the said *First* day of *October*, in all competitions of Poindings of the Ground, the real right of the person Poinding the Ground shall be held to have taken effect at the date of the execution of the said Warrant of Service; and where such Warrant of Service has been executed, prior to the date of the execution of service granted in another petition for Poinding the Ground, or prior to the execution of Letters of Poinding the Ground, or to the execution of a Writ of Extent, or to the execution of an Arrestment or Poinding, or to the date of the completion of an Assignation, or to the date of the first Deliverance in a sequestration of the estates of the Debtor, then the Person whose Warrant of Service has been first executed as aforesaid shall be preferred.

152. Act not to affect jurisdiction of the Court of Session; Landlord's Hypothec; or Rules where Sequestration is awarded.

And be it Enacted, That nothing herein contained in regard to Poindings of the Ground shall affect the jurisdiction of the Court of Session; or the Landlord's right of hypothec for rents, or any other hypothec known in law, in so far as the same may be preferable to such Poinding; nor the rules relative to Poindings of the Ground, in the case of Sequestration being awarded in terms of an Act passed in the present Session of Parliament, intituled, " An Act to regulate the Sequestration of the Estates of Bankrupts in Scotland."

153. Act may be repealed, &c.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts passed during the present Session.

SCHEDULES

Referred to in the foregoing ACT.

No. 1.

Copy Denunciation of Insolvency.

I, A. B. [Messenger or Sheriff-Officer] notify to you, C. D. [name and designation], that you having disobeyed the Charge given to you [personally, or at your dwelling-place, as the case may be,] by [name the Messenger or Officer by whom it was given], on the day of to pay to E. F. [name and designation], the sum [the sum for which the Charge was given], by virtue of [description of diligence], dated the day of Therefore I do hereby denounce you insolvent, in terms of the Statute thereanent. This I do on the day of before these witnesses, [names and designations of Two witnesses].

(signed) A. B.

No. 2.

Execution of Denunciation.

Upon the day of I, A. B. [Messenger-at-Arms, or Sheriff-Officer], lawfully notified to C. D. [name and designation], that he having disobeyed the Charge given to him by [name the Messenger or Officer], on the day of , to pay to E. F. [name and designation], the sum [sum for which the Charge was given], by virtue of [description of diligence], dated the day of Therefore I denounced him insolvent in terms of the Statute thereanent, a just copy of Denunciation whereof I delivered to the said C. D. [mention whether personally or at the dwelling-house or place of business, and if not personally, to whom delivery was made, and why not personally]; which copy was subscribed by me, and did bear the date hereof, with the witnesses' names and designations hereto with me subscribing, present at the premises, [mention their names and designations.]

G. H., Witness. A. B.
I. J., Witness.

No. 3.

Abbreviate of Denunciation.

A. B. [name and designation] denounced insolvent, conform to Execution, dated day of by C. D. [name and designation of Messenger or Officer, [at the instance of E.F. [name and designation] for not making payment of [sum] in terms of a Charge, dated day of in virtue of [description of diligence] dated day of . Execution of Denunciation presented by [name and designation] and registered day of .

A. B.

No. 4.

And the said Lords grant Warrant to Messengers-at-Arms in His Majesty's name and authority, to charge the said A. personally, or at his dwelling-place, if within Scotland, and if furth thereof, by delivering a copy of Charge at the Record Office of the Keeper of the Records of the Court of Session, [state what the party is decerned to do; if to pay money, specify the sum, interest and expenses; or if to fulfil an obligation, specify it as in the Decree or other Document,] and that to the said B. [the name and designation of the Person in whose favour the Decree is pronounced] within [insert the appropriate days] next after he is charged to that effect, [if the sum or any part thereof be payable at a future time, add here, "the terms of payment being always first come and bygone;"] and also in payment and satisfaction of the said sum, interest and expenses grant Warrant to arrest the said A.'s readiest goods, gear, debt and sums of money; and if the said A. fail to obey the said charge, then to apprize, poind and distrain all the said A.'s readiest goods, gear, and other effects; and also to search for, take and apprehend the Person of the said A.; and being so apprehended to put him in sure ward, firmance and captivity within a tolbooth or other warding place, therein to remain aye and until he fulfil the said charge; and grant Warrant to Magistrates and Keepers there to receive and detain him therein accordingly; and if needful for effecting the said poinding or apprehension, grant Warrant to open all shut places in form as effeirs. Extracted [specify place and date.]

[Extractor's signature.]

No. 5.

Extract dated day of A. B. [name and designation] against C. D. [name and designation], on Decree of the Court of Session [or other document, as the case may be], to pay [or perform] [specify the sum or obligation]. Execution [mention whether executed personally or in what manner] dated day of . Charge expired on the day of Presented and registered in the General Register of Hornings on the day of

[Keeper's signature.]

No. 6.

[Place and Date.]

The Charge being expired and registered, as per Execution and Certificate produced, Warrant to imprison is craved.

(signed) A. B., W. S.

[The Clerk will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk.]

No. 7.

[Place and Date.]

Warrant is craved [state what is prayed for] at the instance of [name and designation of the applicant as assignee or otherwise, as the case may be], of [name and designation of the Person at whose instance the Extract was issued]. Produced herewith [assignation or confirmation, or other legal evidence of the acquired right, as the case may be], dated the day of [and (if for imprisonment) also Execution of expired Charge and Certificate of Registration.]

(signed) A. B.

[The Clerk will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk.]

No. 8.

And I, the said Sheriff, grant Warrant to my Officers to charge the said A. personally, or at his dwelling-place [state what the party is decerned to do, if to pay money specify the sum, interest and expenses, or if to fulfil an obligation state the nature of it, as in the Decree or other document], and that to the said B. [name and designation of the Person in whose favour the Decree is pronounced], within [insert the appropriate days] next, after he is charged to that effect [if the sum or document or any part be payable at a future time, add here, "the terms of payment being first come and bygone"]; and also grant Warrant in satisfaction of the said sum, interest and expenses to arrest the said A.'s readiest goods, debts and sums of money; and if the said A. fail to obey the said Charge, then to apprize, poind and distrain all the said A.'s readiest goods, gear and other effects; and also to search for, take and apprehend the Person of the said A.; and being so apprehended to put him in sure ward, firmance and captivity within a tolbooth or other warding place, therein to remain aye and until he fulfil the said Charge; and grant Warrant to Magistrates and Keepers thereof to receive and detain him therein accordingly; and if needful for effecting the said poinding or apprehension, grant Warrant to open all shut places in form as effeirs. Extracted, &c.

[Extractor's signature.]

No. 9.

EXTRACT, dated day of A. B. [name and designation], against C. D. [name and designation], on Decree of the Sheriff Court [or other document, as the case may be], to pay [or perform] [specify the sum or obligation.]

Execution [mention whether executed personally, or in what other manner,] dated day of

Charge expired on the day of

Presented and registered in the particular Register of Hornings for the Shire of on the day of

[Keeper or Clerk's signature.]

No. 10.

[Place and Date.]

THE Charge being expired and registered, as per Execution and Certificate produced, Warrant to imprison is craved.

(signed) A. B.

[The Clerk will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk.]

No. 11.

[Place and Date.]

Warrant is craved [state what is prayed for] at the instance of [name and designation of the applicant, as assignee or otherwise, as the case may be] of [name and designation of the Person at whose instance the Extract was issued, and in whose right the applicant is,] produced herewith, [assignation or confirmation, or other legal evidence of the acquired right, as the case may be,] dated the day of , [and also Execution of expired Charge and Certificate of registration.]

(signed) A. B.

[The Clerk will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk.]

No. 12.

[Place and Date.]

Warrant of Concurrence by the Lords of Council and Session is craved at the instance of [specify name and designation of applicant] for executing the within Warrant against the within designed [specify name of debtor or obligant]. A. B.

[If the application is to a Sheriff, leave out "Lords of Council and Session," and say, Sheriff of [inserting the shire.]

[The Clerk of the Bills or the Sheriff, as the case may be, will subjoin]

Fiat ut petitur.

[Dated and signed by the Clerk of the Bills, or Sheriff, as the case may be.]

No. 13.

Letters of Inhibition.

William the Fourth, [or the King for the time] by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith. To Messengers-at-Arms, conjunctly and severally. Whereas it is humbly shown to us by [insert the name and designation of the party at whose instance the letters are raised], complainer, against [insert the name and designation of the party against whom the letters are raised], That [set forth the nature of the document of debt or obligation, as, a bill, bond, contract, &c. its general tenor, and

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and particularly the debt or obligation, the date thereof, and if recorded, the date and place of recording; or, if the letters be raised on the dependence of a summons, state the general nature of it, the Court before which it depends, the conclusions, and the date of execution], and the said [insert the name of the party against whom the letters are directed], intending, as the complainer is informed, to sell, alienate, burden, resign, renounce, convey or put away his heritable subjects, and to uplift debts heritably secured and due to him, and to contract debts, and do other acts and deeds to the complainer's prejudice, as is alleged: Our will is, That ye, in Our name and authority, inhibit the said [insert the name of the party against whom the letters are directed], personally, or at his dwelling-place, if within Scotland, and if furth thereof, by delivery of a copy hereof at the Record Office of the Keeper of the Records of the Court of Session, in terms of law, that he in no way sell, alienate, burden, resign, renounce, convey or put away his lands and other heritable subjects or rights, or uplift heritable debts, or contract or take on debts, or grant securities therefor, or do any other act or deed, directly or indirectly, whereby the rights to the said lands and others may be in any way evicted or adjudged from him, or he be denuded thereof, to the prejudice of the complainer; which to do, We hereby commit to you, and each of you, full power. Given under Our Signet, at Edinburgh, the day of in the year of Our reign, one thousand eight hundred and

Ex Deliberatione Dom. Con.

No. 14.

Warrant of Inhibition in a Summons.

And farther, Our will is, That ye, in Our name and authority, inhibit the said [insert the name of the defender] personally, or at his dwelling-place, if within Scotland, and if forth thereof, by delivery of a copy hereof at the Record Office of the Keeper of the Records of the Court of Session, in terms of law, that he in no way sell, alienate, burden, resign, renounce, convey or put away his lands and other heritable subjects or rights, or uplift heritable debts, or contract or take on debts, or grant securities therefor, or do any other act or deed, directly or indirectly, whereby the rights to the said lands and others may be in any way evicted or adjudged from him, or he be denuded thereof, to the prejudice of the Pursuer; which to do, We hereby commit to you, and each of you, full power. Given under Our Signet, at Edinburgh, the day of in the year of Our reign, one thousand eight hundred and

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No. 15.

ABBREVIATE OF INHIBITION.

LETTERS of Inhibition, [or as the case may be,] Summons, containing Warrant of Inhibition, at the instance of [mention the name and designation of the raiser], against [mention the name and designation of the person inhibited,] signeted the day of on a debt of due and payable [or bond, bill, &c. as the case may be,] dated the day of [if the Letters be on a depending action, state before what Court it depends]. Executed [if personally, say "personally;"—if dwelling-house, say so;—or if at the Record Office, say at the Record Office; or otherwise, as the case may be].

Letters [or Summons] and Execution presented and registered on the day of

(signed) A. B., Keeper.

No. 16.

EXTRACT OF ABBREVIATE OF DECREE OF ADJUDICATION.

IN the Action of Adjudication raised at the instance of [name and design the Pursuer] against [name and design the Defender], and in which compearance was made for [if a conjoined Creditor be the party applying for the Extract, mention his name and designation, and that he is a conjoined Pursuer], the Lord as Ordinary, and the Lords of Council and Session by him, on the day of Adjudged the Lands and others hereinafter mentioned, belonging to [name the Defender] to pertain and belong to [the Pursuer or the conjoined Creditor, as the case may be], in payment [or in security, as the case may be] of the accumulated sum, as at the date of the Decree, of [insert the precise sum as accumulated] videlicet, All and whole [enumerate the lands, &c. as mentioned in the Summons], subject always to redemption by the said [Defender] in terms of law.

Extracted on the day of by me, one of the Extractors of the Court of Session.

[Signed by the Extractor.]

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No. 17.

CERTIFICATE OF REGISTRATION OF THE EXTRACT OR ABBREVIATE.

I, , Keeper of the Register of Abbreviates of Adjudications, certify, That the prefixed extracted Decreet or Abbreviate, written on this and the preceding pages, and each page of which is subscribed by me, was presented and duly recorded on the day of in the volume of the said Register of Abbreviates, pages in terms of law.

Edinburgh, day of

A. D., Keeper.

Bankruptcy (Scotland.)

A

BILL

To amend the Law of Scotland in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poinding of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground.

(Prepared and brought in by
The Lord Advocate, Mr. Attorney-General
and Mr. Robert Steuart.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1836.

98.

29 *April* 1836.—6 Will. IV.

A

BILL

[AS AMENDED BY THE COMMITTEE]

To amend the Laws of *Scotland* in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poinding of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground.

[Note.—*The Clauses marked* (A. *to* D.) *were added by the Committee.*]

Preamble.

Powers of Sale.

Act 1621.

1. Meaning of Words.

WHEREAS it is expedient to amend the Laws of *Scotland* in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poindings of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground: And whereas in the year One thousand six hundred and twenty-one, an Act was made by the Parliament of *Scotland,* intituled, "A Ratification of the Act of the Lords of Council and Session, made in July One thousand six hundred and twenty, against unlawful Dispositions and Alienations made by Dyvours and Bankrupts," and it is expedient to amend the said Act, and extend the benefits thereof; **Be it therefore Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the word "County" shall include Sheriffdom, Shire and Stewartry, and every Ward, District or Division thereof; that the word "Sheriff" shall include Sheriff Substitute, and Stewart and Stewart Substitute; that the words "Sheriff Court" shall include Stewart Court; that the words "Sheriff Clerk" shall include Sheriff Clerk Depute, Stewart Clerk and Stewart Clerk Depute; that the word "Estates" shall comprehend every kind of estate, heritable or moveable, real or personal, wheresoever situated; that the words "Decree" and "Interlocutor" shall include Order, Warrant, Judgment and Deliverance; that the word "Security" shall include all securities, heritable and moveable, real and personal, and all conveyances of every such securities and all liens and preferences; that the word "Successor" shall mean representatives by deed or otherwise, and heirs and nearest of kin, and executors, and also singular successors, where they have acquired the right; that the word "Month" shall mean a Calendar Month; that the words "Debtor," "Bankrupt" and "Creditor" shall mean Bodies Corporate, Companies or Partnerships as well as Individuals, and shall, as well as all other words importing the singular number and masculine gender, include several persons as well as one person, and females as well as males, and several matters of the same kind as well as one matter, unless it shall be otherwise provided, or the subject matter or context be repugnant to such construction; and this Act shall be construed in the most beneficial manner for promoting the ends hereby intended.

2.
Deeds and acts by an insolvent Debtor in favour of a conjunct and confident Person, to the prejudice of Creditors, null.

And be it Enacted, That on and after the First day of October One thousand eight hundred and Thirty-six, if a Debtor who is insolvent shall directly or indirectly grant in favour of a conjunct and confident Person any conveyance whatsoever of, or any heritable security over, his heritable estate, or any assignation, bond, bill, obligation, discharge or document as for money due, by which any heritable or moveable property belonging to him shall be transferred or burdened with debt in favour of such conjunct and confident Person; or by which such Person may claim as a Creditor in competition with the Creditors of the Debtor; or be saved from a demand for payment of any debt due, or performance of any obligation to the Debtor, or obtain any preference; or receive from the Debtor payment of any money in satisfaction of debt; such conveyance, heritable security, assignation, bond, bill, obligation, discharge, document and payment shall be null and void, in so far as prejudicial to the Creditors of the Debtor: Provided, That it shall be competent to the conjunct and confident Person to prove that the conveyances, securities, obligations, documents and payments hereinbefore enumerated were granted and made for a just price paid for the same at the time when they were so granted and made, or for a just debt subsisting when they were granted and made, or for a just, onerous and necessary cause at that time; and on it being so proved, such conveyances, securities, obligations, documents and payments shall be effectual to the conjunct and confident Person, provided the same be not challengeable on any other lawful ground.

Unless for a just, onerous and necessary cause.

3.
Circumstances in which a party may challenge the above deeds and acts.

And be it Enacted, That it shall be competent for any Creditor of the Debtor, whether his debt has been contracted before or after the granting or making of the conveyances, securities, obligations, documents and payments hereinbefore enumerated; or for the Interim Factor or Trustee on the sequestrated estate of the Debtor, to insist in an Action for having the same declared null and void in manner herein-

after

Compearer may insist although original Pursuer die.

after provided; as also to appear and insist in the Action, as hereinafter mentioned, although the original Pursuer may have died or abandoned the Action, in the same way as if the summons had been raised by such Creditor, Interim Factor or Trustee.

4\.
Presumption that deeds and acts were after Insolvency in certain circumstances.

And be it Enacted, That the conveyances, securities, obligations, documents and payments hereinbefore enumerated, shall be presumed to have been granted and made after the insolvency of the Debtor, and without any just price paid, and without a just debt subsisting, and without a just, onerous and necessary cause at the time when the same were granted and made, provided the Pursuer of the Action, or any Creditor, or the said Interim Factor or Trustee, who shall compear, can show that his own debt or the debt of any other Creditor is resting owing, and was subsisting when the several conveyances, securities, obligations, documents and payments before enumerated were granted or made; or when they were rendered complete by such act as may be requisite to render the same complete; or when diligence was executed on such conveyances, securities, obligations and documents; or when they were published in any register; or when they were produced in judgment; but it shall be competent for the conjunct and confident Person to prove that the Debtor was solvent at the times aforesaid, or that the conveyance, security, obligation, document or payment was granted and made for a just price paid, or just debt truly subsisting, or for a just, true and necessary cause at the time of the granting and making in manner before provided.

5\.
Provision as to Alienations, &c. after diligence begun.

And be it Enacted, That where any Creditor has, either before or after the said First day of October, executed a Summons of Adjudication, or a Summons of Ranking and Sale, or Letters of Inhibition, or any Diligence competent against the heritable estate of his Debtor; or where any Creditor has executed Arrestment, Poinding or any other Diligence competent to attach the moveable estate of his Debtor (provided that the Diligence be not by virtue of a decree under a Small Debt Act), and the Debtor has granted or shall thereafter grant any conveyance of his heritable estate or security thereon, or any assignation, bond, bill, obligation, discharge, or any document as for money due, or pay money to or for any other Creditor in prejudice of the Creditor executing Diligence or Action, it shall be competent to such last-mentioned Creditor, and to every other Creditor of the Debtor who might have had it in his power to obtain a *pari passu* preference with such Creditor, if such Diligence or Action had been carried on without delay, to pursue an Action on the said recited Act: And for the purposes of this Act, poinding shall be held to have been executed on the day immediately after the lapse of the charge.

6. Sheriff to have Jurisdiction as to Actions relating to moveables.

And be it Enacted, That on and after the said First day of October, every Sheriff within *Scotland* shall possess Jurisdiction to judge and decide in all Actions under the said recited Act or this Act, concluding to have any payment of money, deed, obligation or other document hereinbefore enumerated regarding moveable effects, debts and sums of money, but not heritable estates, set aside; and the Sheriff-Clerk and Messengers-at-Arms and Sheriff-Officers in the several Sheriffdoms in *Scotland* shall have full power to act in their respective offices in relation to such processes.

7. Mode in which Creditors are entitled to compear.

And be it Enacted, That at any time after the summons raised before the Court of Session or before the Sheriff has been called in Court, any Creditor claiming a right to be ranked *pari passu* may lodge with the Clerk to the process a Claim, setting forth the nature of his debt, the amount thereof, and the grounds on which it is founded; and he shall therewith produce the written evidence of his debt (if he any has), and if there be no objection to the contrary, he shall be conjoined as a Pursuer therein.

8. Conclusions and proceedings in Actions as to heritage.

And be it Enacted, That where any summons shall be raised under the said recited Act or this Act to set aside any conveyance or security, or any deed or obligation in relation to an heritable estate, the Pursuer shall farther conclude that on the same being set aside the estate should be adjudged to belong to him and every Creditor who shall be included in the decree of division; that the heritable estate should be sold, and decree of sale pronounced in favour of the Purchaser; that the decree of sale should have the effect of an irredeemable adjudication in his favour, and disencumber the estate of all securities contracted thereon by the Debtor, his Authors or Predecessors, and operate as an assignation thereof to the Purchaser, in so far as the securities can affect the estate contained in the decree of sale, and as a discharge to the Debtor of the debts and securities to the extent of the shares of the price paid to the respective Creditors (reserving their rights thereto in so far as relates to the Debtor *quoad ultra* as accords of law); that the Creditors should be bound to warrant their debts to that extent and their titles thereto, but not the validity of the Debtor's titles to the said estates; that on payment or consignation of the price the Purchaser should be discharged, and superiors ordained to enter him, and to grant charters to and infeft him in the same; that the Creditors who shall be found entitled to compear should be ranked on the said estate according to their respective rights and interests, and that the said price should be divided among them accordingly; and the Lord Ordinary before whom such Action depends shall, in pronouncing decree of reduction, declare the decree to be available to all the Creditors of the Debtor who shall be included in the decree of division; and on decree of reduction being pronounced, the farther proceedings shall take place as in a process of ranking and sale.

9.
Conclusions and proceedings in Actions as to moveables.

And be it Enacted, That where any summons shall be raised to set aside any deed, obligation or document as to any moveable effects, or any discharge of debt or document of debt, or any payment of money, the summons shall farther conclude that the effects, debts or money should be adjudged to belong to him and to every other Creditor who shall be found entitled to claim a share thereof, according to their respective rights; that the effects should be sold, and the price (or if the subject challenged be money) that the sum for which the Defender is accountable should be divided, as in a process of multiplepoinding, among the Creditors, according to their respective rights; and the Judge before whom the Action depends shall, in pronouncing decree of reduction, declare the decree to be available to all the Creditors of the Debtor who shall be found entitled to claim a share thereof; and on decree of reduction being pronounced, the farther proceedings shall take place as in a process of multiplepoinding.

10.
In questions of Ranking, securities to be deducted.

And be it Enacted, That in all questions of Competition under the said Act and this Act, in case any Creditor hold any security for payment of his debt upon the Debtor's estate or effects, he shall deduct from his debt the amount or value of such security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided, That he shall in no event draw more than full payment.

11.
NOTOUR BANKRUPTCY.

Constitution of Notour Bankruptcy by expired charge of payment, with registered denunciation of Insolvency.

And be it Enacted, That an Act made by the Parliament of *Scotland* in the year One thousand six hundred and ninety-six, intituled, "Act for declaring Notour Bankrupts," shall, in so far as it relates to the description of Notour Bankruptcy, be and the same is hereby repealed (saving the effect thereof as to cases of Bankruptcy before the commencement of this Act); and after the commencement hereof, if a Debtor being within *Scotland* (whether he is liable or not to imprisonment) be lawfully charged to pay a civil debt, amounting to not less than Twenty Pounds, and fail to pay the same within the days of charge, it shall be competent, on the expiration of the said days, to denounce him insolvent, by executing against him, in the same way as charges are executed, a Denunciation in the Form of the Schedule (Number 1.) hereunto annexed; and the Messenger or other officer shall thereupon return an Execution in the Form of the Schedule (Number 2.) hereunto annexed; and if the said Execution be registered within Year and Day from the date of the charge in a Register of Notour Bankrupts, which is hereby directed to be kept at *Edinburgh* by the Clerk of the Bill Chamber, the Debtor shall be held to be Notour Bankrupt from the date of such registration; and the Keeper of the said Register shall record the Execution and enter therein a Certificate in terms of the Schedule (Number 3.) hereunto annexed: Provided, That no such charge shall make the Debtor Notour Bankrupt, unless such execution be registered within Year and Day of such charge.

12.
Notour Bankruptcy by apprehension, imprisonment.

And be it Enacted, That if a Debtor shall after the commencement of this Act be apprehended or imprisoned on Civil Diligence for debt, he shall be held Notour Bankrupt at and from the date of his apprehension or imprisonment.

13.
Where Debtor forth of Scotland.

And be it Enacted, That if a Debtor subject to the Laws of *Scotland* shall be forth thereof, and be charged on induciæ of Thirty Days at the Office of Edictal Citations of the Court of Session, to pay a civil debt amounting to not less than Twenty Pounds, and shall fail to pay the said debt within the days of charge, it shall be competent to denounce him insolvent as aforesaid at the said Office, and the registration of the Execution thereof in the said Register of Notour Bankrupts, combined with an Arrestment of his effects, not loosed or discharged within Fifteen Days after the date of its execution, or with a Poinding of his moveables, or with a Decree of Adjudication for payment or security of debt of any part of his estate, shall render him Notour Bankrupt as at the date of the said registration, provided that his insolvency be otherwise established; and where he shall have abandoned his ordinary place of residence in *Scotland* for Forty Days, and not have taken up some other known residence within *Scotland*, nor left notice at his said place of residence where he is to be found within *Scotland*, and he is not so found, and an execution of a Messenger is returned to that effect, he shall for the purposes of this Act be held to be forth of *Scotland*.

Presumption of absence from Scotland.

15.
By Sequestration under the Bankrupt Act.

And be it Enacted, That the awarding of Sequestration in terms of an Act, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*," passed in the present Session of Parliament, shall render the Debtor Notour Bankrupt as at the date of the first deliverance on the Petition for Sequestration.

15.
Debtor to be held Bankrupt on and after Sixty Days before Bankruptcy.

And be it Enacted, That where a Debtor is rendered Notour Bankrupt in any of the ways above specified, he shall be held to have been Notour Bankrupt on and after the Sixtieth Day before the date of being rendered Notour Bankrupt.

16.
In questions under the Act 1696, and this Act, dispositions of and securities on heritable subjects to be held as of the date of the registration of *the Sasine, or resignation ad remanentiam.*

AND whereas by the said Act made by the Parliament of *Scotland* in the year One thousand six hundred and ninety-six, it is declared, "That all and whatsoever voluntary dispositions, assignations or other deeds which shall be found to be made and granted directly or indirectly by the foresaid Dyvour or Bankrupt, either at or after his becoming Bankrupt, or in the space of Sixty Days of before, in favours of his Creditors, either for his satisfaction or further security in preference to other Creditors, to be void and null;" and it is farther declared, "That all dispositions, heritable bonds, or other heritable rights, whereupon infeftment may follow, granted by the foresaid Bankrupts, shall only be reckoned, as to this case of Bankrupt, to be of the date of the Sasine lawfully taken thereon, but prejudice to the validity of the said heritable rights as to all other effects as formerly," and it is expedient to amend these provisions; BE it therefore Enacted, That in questions arising upon the said Act or this Act, on and after the said First Day of October, or which shall have arisen on the said recited Act previous to that day, all Dispositions, Conveyances, Adjudications in Implement, or other transfers of heritable estate, and all Securities on which Infeftment may follow, shall be reckoned to be of the date of the registration of the Sasine, or of the registration of the *Resignation ad Remanentiam* expede thereon (as the case may be): Provided, That this shall be without prejudice to the validity or invalidity of the said Deeds in all other respects as heretofore.

17. Assignations, &c. to be held of the date of act of completion.

And be it Enacted, That in questions arising on the said Act made in the year One thousand six hundred and ninety-six, or on this Act, on and after the said First day of October, or on the said Act of the year One thousand six hundred and ninety-six, before the said First day of October, all Assignations, Transfers, Retrocessions, Sales and Venditions of any moveable effects, debts, funds, ships, or any personal rights whatsoever, granted either absolutely or in security of the payment of debt, and to which intimation, delivery, registration or any Act other than Sasine is requisite to give effect, shall be reckoned to be of the date of the intimation, delivery, registration or other Act requisite for completing the same: Provided, That this shall be without prejudice to the validity or invalidity of such rights in all other respects as heretofore.

18 Circumstances in which a party may challenge Deeds.

And be it Enacted, That it shall be competent for any Creditor, whether his debt has been contracted before or after the granting of the deeds, obligations, documents, rights and payments hereinbefore enumerated, or for the Interim Factor or Trustee on the sequestrated estate of the Debtor, to insist in an Action to have the same reduced as null and void; and it shall be competent for any Creditor, or such Interim Factor or Trustee, to appear and insist in the said Action, as hereinafter mentioned, although the original Pursuer may have died or abandoned the Action, to the same effect as if the summons had been raised by such compearer.

19. Sheriff to have Jurisdiction as to Actions relating to moveables.

And be it Enacted, That on and after the said First day of October, every Sheriff within *Scotland* shall possess Jurisdiction, to judge and decide in all Actions under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any payment of money, deed, obligation or other document, as above enumerated,

enumerated, regarding moveable effects, debts and sums of money (but not heritable estate) set aside, as fully as he can judge and decide in any other Action presently by law competent before him; and the Sheriff-Clerk, and Messengers-at-Arms, Sheriff-Officers in the several Sheriffdoms in *Scotland*, shall have full power to act in their respective offices in relation to such processes.

20.
Mode in which Creditors are entitled to compear.

And be it Enacted, That at any time after the summons in any Action raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, before the Court of Session, or before the Sheriff, has been called in Court, any Creditor who claims a right to be ranked equally on the subject of the Action with the Pursuer thereof, may lodge with the Clerk to the process a Claim, setting forth the nature and amount and grounds of his debt, and shall therewith produce the written evidence of his debt (if he any has); and if there be no objection to the contrary, he shall be conjoined as a Pursuer.

21.
Conclusions and proceedings in Actions as to heritable subjects.

And be it Enacted, That where any Action shall be raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any deed, conveyance, adjudication in implement of, or security over, any heritable estate set aside, the Pursuer shall farther conclude that, on the same being set aside, such estate should be adjudged to belong to him, and every Creditor who shall be included in the decree of division; that they should be sold under the authority of the Court of Session; that the Creditors found entitled to compear should be ranked according to their respective rights and interests, and the price divided among them all, as in a process of ranking and sale: And the Lord Ordinary before whom the action depends shall, in pronouncing decree of reduction, declare the benefit of the decree to be available to all the Creditors of the Debtor, who shall be included in the decree of division; and on the decree of reduction being pronounced, the farther proceedings, to the effect of exhausting the remaining conclusions of the Action, shall take place as in a process of ranking and sale.

22.
Conclusions and proceedings in Actions as to moveables.

And be it Enacted, That where any Action shall be raised under the said Act made in the year One thousand six hundred and ninety-six, or this Act, concluding to have any written evidence, deed, obligation or document as to moveable effects, or any discharge of debt, or voucher of debt, or any payment of money set aside, the Pursuer shall farther conclude that, on the same being set aside, the said effects should be adjudged to belong to him, and to every Creditor who shall be conjoined and found entitled to claim a share thereof, according to their respective rights; that the said effects should be sold, and the price, or (if the subject challenged be money) that

the

monses for debt before the Court of Session.

the sum for which the Defender is accountable should be divided among the Creditors, according to their respective rights, as in a process of multiplepoinding; and the Judge before whom the Action depends shall, in pronouncing decree of reduction, declare the benefit of the decree to be available to all the Creditors of the Debtor who shall be conjoined in the Action; and on the decree of reduction being pronounced, the farther proceedings for exhausting the remaining conclusions shall take place as in a process of multiplepoinding.

23.
In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all Competitions under the said Act, made in the year One thousand six hundred and ninety-six, or of this Act, if any Creditor hold a security for payment of his debt upon any part of the Debtor's estate or effects not falling under the Action, he shall deduct from his debt the amount or value of such security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided, That he shall in no event draw more than full payment.

24.
Competent to grant Heritable Securities for payment of future loans of money, under certain conditions.

AND whereas by the said Act made in the year One thousand six hundred and ninety-six it is declared, "That any disposition or other rights that shall be granted for hereafter for relief or security of debts to be contracted for the future, shall be of no force as to any such debts that shall be found to be contracted after the sasine or infeftment following on the said disposition or right, but prejudice to the validity of the said disposition and right, as to other points, as accords;" and it is expedient to amend the same; BE it therefore Enacted, That the said Act, in so far as inconsistent herewith, shall be and the same is hereby repealed; and all Deeds whereby an Heritable Security is constituted, or by which it is competent to constitute an Heritable Security in payment of debt, and which are granted in security of the payment of money to be lent, or of any balance which may arise thereon after the date of such Deed (subject to the provisions hereinafter contained), shall be effectual to the extent hereinafter specified.

25.
Also on Cash-credits to be operated on after their date.

And be it Enacted, That all such securities for Deeds, payment of money to be lent, upon Cash-credit or Cash-account, or of any balance which may arise thereon after the date of such Bond or other Deed, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

26.
Also on Bills, &c.

And be it Enacted, That all such securities of the payment of loans or advances of money to be made on Bills, Promissory Notes or other similar Obligations to be drawn, accepted or indorsed, or of any balance which may arise thereon after the date of such Security, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

27. And furnishings of Goods.

And be it Enacted, That all such Securities for the price of Goods to be sold and delivered, or consigned on account-current or otherwise, or of any balance which may arise thereon after the date of such Security, shall be (subject to the provisions hereinafter mentioned) effectual to the extent hereinafter specified.

28 And of relief of cautionary Obligations.

And be it Enacted, That all such securities for Deeds, the relief of any Person who shall become bound as Cautioner for money to be lent directly or by way of Cash-credit, Cash-account, Bills, Promissory Notes or otherwise as aforesaid, or for the payment of the price of Goods to be sold and delivered or consigned as aforesaid, after the date of the said Deed, shall be (subject to the provisions hereinafter contained) effectual to the extent hereinafter specified.

29. Provisions as to Securities for Cash-credits, Bills and cautionary Obligations.

Provided always, and be it Enacted, That such Securities shall be effectual in the several cases before set forth to the extent only of the agreed on principal sum therein specified, with Three Years' interest from the dates of lending the said money; or retiring the said Bills, Promissory Notes or other similar Obligations; or from the dates when the price of the said Goods is payable; or from the date when the cautionary Obligation has been implemented; or such other dates as the Parties shall therein stipulate, at the rate of Five per centum in the year, (or at such lower rate of interest as the Parties may therein specify); or to the extent of such sum (not exceeding the said principal sum) as shall have been actually lent, either directly or on cash-credit or cash-accounts; or by retiring the said Bills and Promissory Notes and others; or by furnishing Goods; or in implement of the said cautionary Obligation, with such interest as may be due, not exceeding Three Years from the said periods respectively: Provided, That in such Deeds and in the Register of Sasine taken thereon, the amount of the said principal sum and the rate of interest thereon shall be distinctly specified.

30. Not to be available after publication of Sequestration.

And be it Enacted, That if any Loan of Money shall be made, either directly or on cash-credit or cash-account, or if any Bills, Promissory Notes or similar Obligations shall be drawn, accepted or indorsed, or any advances of money made thereon; or if any Goods shall be sold, delivered or consigned, after, in these several cases, the date of the publication in the *Edinburgh* Gazette, that Sequestration has been awarded of the estates of the granter of such Security, in terms of an Act made in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*;" such security shall not be available as a security to the extent of the sums lent or advanced as aforesaid, or the price of the Goods sold, delivered or consigned after such publication.

31. Although in course of operation the Balance be extinguished, this not to affect the security as to the ultimate balance

And be it Enacted, That such Securities shall be effectual to secure any Balance which may ultimately be due in the several cases, above provided, although the principal sum and interest thereon may have been at any time paid and satisfied: Provided, That in the course of the subsequent transactions there shall be a Balance of debt due not exceeding the principal sum and interest therein specified, as above provided.

32. DILIGENCE.

Extracts of Court of Session, Teind Court and Court of Justiciary Decrees, to contain Warrant to arrest, charge poind and imprison.

AND whereas it is expedient to improve the form and to diminish the expense of the Diligence of the law in *Scotland* against the Persons and moveable effects of Debtors; BE it Enacted, That on and after the said First day of October, where an Extract shall be issued of a Decree or Act pronounced, or to be pronounced by the Court of Session, or by the Court of Commission for Teinds, or by the Court of Justiciary; or of any Deed, Decree-arbitral, Bond, Protest of a Bill, Promissory Note, Banker's Note, or other document on which execution may competently proceed, recorded in the books of Council and Session, or of the Court of Justiciary, the Extractor shall in terms of the Schedule (Number 4.) hereunto annexed (or as near to the form thereof as circumstances will permit), insert a Warrant to charge the Debtor or Obligant to pay the debt, or perform the obligation within the days of charge, and to arrest, poind, open shut places, and on Warrant of imprisonment being obtained (as hereinafter provided) to search for, take, apprehend and imprison the Debtor or Obligant until he obey the charge, and for that purpose to open shut places; which Extract shall be subscribed and prepared in other respects as Extracts are at present subscribed and prepared; and for which Extract no higher fees shall be exigible than those which are payable as by law established.

33. Competent to arrest.

And be it Enacted, That it shall be lawful, by virtue of such Extract, to arrest, as if Letters of Arrestment on liquid grounds of debt, or Letters of Horning containing Warrant to arrest, had been issued under the signet.

34. Competent to charge by virtue of the said Extract.

And be it Enacted, That it shall be lawful by virtue of such Extract, to charge the Debtor or other Obligant therein mentioned, to pay the sums of money, or to perform the obligation therein specified, within the days of charge, from and after the date of charge, under pain of poinding and imprisonment; and the Officer executing the same shall return an Execution, specifying the name and designation of the Creditor and of the Debtor or Obligant, the date of the Extract, the nature of the Decree or other Document whereupon the Extract proceeds, the amount of the sums of money or the nature of the obligation in enforcement, whereof the Extract has been issued, the date of the Execution, the mode of execution and the days of charge.

35.
Competent to poind.

And be it Enacted, That on the expiration of the days of charge, it shall be lawful, by virtue of such Extract, to poind the moveable effects of the Debtor, in payment of the sums of money therein mentioned, as if Letters of Poinding or Letters of Horning, containing Warrant to poind, had been issued, and for that purpose to open shut places.

36.
Execution to be registered.

To have all the effect of Denunciation and to accumulate interest.

And be it Enacted, That it shall be competent at any time within Year and Day after a charge has expired, to present such Extract and the execution of charge to the Keeper of the General Register of Hornings at *Edinburgh*, and the Keeper shall thereupon record in that register the Execution, and state therein the name and designation of the person by whom the same was presented, and also the date of presentation: which registration shall have the same effect as if the Debtor or Obligant had been denounced rebel in virtue of Letters of Horning, and the said letters, with the execution of charge and denunciation, had been recorded according to the forms now in use; and shall have the effect to accumulate the debt and interest into a capital sum, whereon interest shall thereafter become due.

37.
Extract and Execution with Certificate of Registration to be presented in the Bill-Chamber for Warrant to imprison.

And be it Enacted, That on the Execution being so recorded, the Keeper of the Register shall write upon the Extract and upon the Execution (if it be written on paper apart) a Certificate of the registration thereof, in terms of the Schedule (Number 5.) hereunto annexed, which he shall date and subscribe; and if Warrant to imprison be required, a Writer to the Signet shall indorse and subscribe on the Extract a Minute in the form of the Schedule (Number 6.) hereunto annexed (or as near to that form as circumstances will permit): And the Extract, with the Execution and Certificate of registration, and indorsed Minute, shall be presented in the Bill-Chamber of the Court of Session; and the Clerk thereof shall, if there be no cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur,*" and shall date and subscribe the same: And it shall be lawful, by virtue of the said Extract and Deliverance, to search for, take, apprehend and imprison the Debtor or Obligant, and if necessary for that purpose, to open shut places; and Magistrates and Keepers of Prisons are hereby required to receive into and detain in prison the Person of the Debtor or Obligant, to the same effect as if Letters of Caption had been issued under the signet, and till liberated in due course of law.

38.
Execution at the instance of a Person acquiring right.

And be it Enacted, That where any Person has acquired right to an Extract of a Decree or Act as aforesaid, it shall be competent to him to present in the Bill-Chamber the Extract, with a Minute indorsed thereon, in the form of the Schedule (Number 7.) hereunto annexed (or as near thereto as circumstances will permit), subscribed by a Writer to the Signet, with the assignation, confirmation, or other legal evidence of such acquired right, praying for authority (as the case may be) to arrest, charge, poind the effects of, and to open shut places, imprison the said Debtor or Obligant, and open shut places; and the Clerk shall, if there be no cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and he shall date and subscribe the same, and date and indorse the same date on the documents produced, and subscribe with his initials the date so indorsed, and the Extract with such deliverance shall be a Warrant to arrest, charge, poind, open shut places, search for, take, apprehend and imprison as aforesaid, at the instance of such Person.

39.
Letters of Horning may be issued as formerly, but no expenses exigible. Extracts in terms of this Statute may be obtained where Extracts issued prior to 1st October 1836.

And be it Enacted, That nothing herein contained shall prevent any Person from obtaining Extracts, and also Letters of Horning, Poinding and Arrestment, or Letters of Arrestment and Letters of Caption, according to the former law and practice, if he shall see fit to proceed in that way in place of in the manner hereby provided; but it is hereby declared, that in such case no part of the expenses thereof, except the expenses of the Extract, shall be exigible from the Debtor or Obligant or his estate, unless it be shown that it is incompetent to proceed in the way herein provided; and where an Extract has been issued before the said First day of October, it shall be competent for the Person in whose favour such Extract has been issued, or the Person having right thereto, to obtain an Extract in terms of this Statute, or a Warrant subjoined to the former Extract, in terms of the said Schedule (Number 4.) and to prosecute Diligence thereon, agreeably to the provisions hereof.

40.
Extracts of Sheriff's Decrees, &c. to contain Warrant to open shut places, charge and imprison.

And be it Enacted, That on and after the said First day of October, where an Extract shall be issued of any Decree or Act pronounced or to be pronounced by any Sheriff, or of any Deed, Decree-arbitral, Bond, Protest of a Bill, Promissory Note, Banker's Note or other document on which execution may competently proceed, recorded in the Sheriff Court books, the Extractor shall, in terms of the Schedule (Number 8.) hereunto annexed (or as near thereto as circumstances will permit), insert therein a Warrant, not only to arrest, charge and poind according to the present practice, but also for that purpose, if need be, to open shut places, and on Warrant to imprison being obtained (as hereinafter provided), to search for, take, apprehend and imprison the Debtor or Obligant until he pay the debt or perform the obligation in terms of the charge, and for that purpose to open shut places, which it shall be lawful to do; for which Extract no higher fees shall be exigible than those which are payable as by law established; and where an Extract has been issued from the books of the Sheriff before the said First day of October, it shall be competent to obtain an Extract in terms of this Statute, or a Warrant subjoined to the former Extract in terms of the Schedule (Number 8.), and to prosecute diligence thereon, agreeably to the provisions hereof.

41.
Clause (A.)
Execution to be registered, and to accumulate interest.

And be it Enacted, That the Officer executing the charge shall return an Execution, specifying the name and designation of the Creditor or Obligant, the date of the Extract, the nature of the Decree or other Document whereupon the Extract proceeds, the amount of the sums of money or the nature of the obligation in enforcement whereof the Extract has been issued, the date of the Execution, the mode of execution and the date of the expiration of the days of charge; and it shall be lawful, at any time within Year and Day after a charge has expired, to present the Extract and Execution of charge to the Clerk of the Sheriff Court from which the Extract has been issued, and the Clerk shall thereupon record the said Execution in the particular Register of Hornings kept by him, and he shall state in the said Register the name and designation by the person by whom the Extract and Execution were presented, and the date of presentation, which registration shall have the effect to accumulate the debt and interest into a capital sum, whereon interest shall thereafter become due.

42.
Lawful to imprison by such Warrant.

And be it Enacted, That on the Execution being so recorded, the Clerk shall write upon the Extract and upon the Execution (if it be written on paper apart) a Certificate of the registration thereof, which he shall date and subscribe in terms of Schedule (Number 9.) hereunto annexed; and if Warrant to imprison be desired, the Creditor or a Procurator shall indorse and subscribe on the said Extract a Minute in terms of Schedule (Number 10.) hereunto annexed (or as near to that form as circumstances will permit), and the Clerk shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and shall date and subscribe the same; and it shall be lawful, by virtue of the Extract and Deliverance, to search for, take, apprehend, imprison, and if necessary for that purpose, to open shut places as aforesaid; and Magistrates and Keepers of prisons are hereby required to receive into and detain in prison the person of the Debtor or Obligant mentioned in the Extract, till liberated in due course of law.

43.
Execution at the instance of a person acquiring right to the Extract.

And be it Enacted, That where any Person has acquired right to any Extract of a Decree or Act of the Sheriff, it shall be competent to him to present to the said Sheriff-Clerk the Extract, with the Execution of charge (if a charge shall have been given), and a Minute indorsed on the Extract in the form of the Schedule (Number 11.) hereunto annexed (or as near thereto as circumstances will permit), subscribed by him or a Procurator of Court, with the assignation, confirmation or other legal evidence of the acquired right, praying for authority (as the case may be) to arrest, charge, poind, open shut places and imprison; and the Clerk shall, if there be no lawful cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and he shall date and subscribe the same, and indorse the same date on the documents produced, and subscribe with his initials the date so indorsed; and the Extract, with the said deliverance, shall be a Warrant to arrest, charge, poind, search for, take, apprehend, open shut places, and imprison as aforesaid, at the instance of such Person.

44.
Warrant of concurrence from the Bill-Chamber, or from other Sheriffs to charge, arrest and poind.

And be it Enacted, That where a Debtor or Obligant is, or his effects are, within the territory of any other Sheriff than the Sheriff from whose books such Extract has been lawfully issued, it shall be competent to present the Extract in the Bill-Chamber of the Court of Session, or to the Sheriff within whose jurisdiction the Debtor or Obligant is, or his effects are, with a subscribed Minute indorsed thereon, in terms of the Schedule (Number 12.) hereunto annexed (or as near thereto as circumstances will permit), praying for the authority and concurrence of the Lords of Council and Session, or of the said Sheriff (as the case may be), to arrest, charge and poind the effects of the said Debtor or Obligant, and to open shut places, all in terms of the Warrant in the said Extract; and if there be no lawful cause to the contrary, the Clerk in the Bill-Chamber, or the said Sheriff (as the case may be), shall grant authority accordingly, by writing this Deliverance, "*Fiat ut petitur*," and dating and subscribing the same; and it shall thereupon, for that purpose, be lawful to arrest, charge, poind and open shut places.

45.
Warrant of concurrence to imprison.

And be it Enacted, That if the Debtor or Obligant shall have been charged on the original Warrant contained in such Extract, and Execution recorded in the books of the Sheriff from which the Extract was lawfully issued; or if the Debtor or Obligant shall have been charged on a Warrant of concurrence by a Sheriff (in which case the Execution shall be recorded in the books of the concurring Sheriff, and shall accumulate interest as aforesaid), it shall be competent to present the Extract and Execution, with the Certificate of registration, and a Minute in terms of the said Schedule (Number 12.) indorsed thereon, either in the Bill-Chamber, subscribed by a Writer to the Signet, or to the concurring Sheriff, or to any other Sheriff within whose jurisdiction the Debtor or Obligant is, subscribed by a Procurator of Court, praying for authority to imprison as aforesaid; and if there be no cause to the contrary, the Bill-Chamber Clerk or Sheriff (as the case may be) shall grant authority accordingly by writing thereon this Deliverance, "*Fiat ut petitur*," and dating and subscribing the same; and it shall thereupon be lawful to open shut places, search for, take, apprehend and imprison in manner hereinbefore provided.

46.
ARRESTMENTS.

Warrant to arrest may be introduced into Sum-

AND whereas it is expedient to amend the Law as to Arrestments for payment or in security of payment of debt, and to regulate the rights of Creditors on the arrested fund; BE it therefore Enacted, That on and after the said First day of October, it shall be lawful to insert in monses for debt before the Court of Session.

Summonses raised before the Lords of Council and Session, concluding for payment of money, a Warrant (or Will) to arrest the moveable effects, debts and money belonging or owing to the Defender until caution be found, acted in the books of Council and Session, that the same shall be made forthcoming as accords of law; and it shall be lawful to Writers to the Signet to subscribe, and to the Keeper thereof and his Deputes to affix the signet to such Summonses, without the necessity of any other authority than this Act.

47. Arrestment may be executed before executing the Summons, but the Summons must be executed and called within a limited period.

And be it Enacted, That by virtue of such Warrant of Arrestment, it shall be competent, before executing the Warrant of Citation, to arrest the moveable effects, debts and money belonging or owing to the Defender until caution be found as aforesaid; and such Arrestment shall be effectual, provided the Warrant of Citation shall be executed against the Defender within Twenty Days after the date of the execution of the Arrestment and the Summons called in Court within Twenty Days after the Diet of Compearance; or if the Diet of Compearance fall within the vacation, provided the Summons be called on the first calling day next after the said Diet of Compearance; and if the Warrant of Citation shall not be executed, and the Summons called in manner above directed, the Arrestment shall be of no effect whatever; without prejudice to the validity of any subsequent Arrestment duly executed in virtue of the said Warrant.

48. Arrestments against persons furth of the Kingdom, to be executed at the Record Office.

And be it Enacted, That on and after the said First day of October it shall not be competent to execute any Arrestment, as in the hands of a Person furth of *Scotland*, by service at the market-cross of *Edinburgh* and pier and shore of *Leith*, but such Arrestment shall be executed by delivery of a Schedule of Arrestment at the Office of Citations in the Court of Session, which delivery shall be made and the Schedule registered and published in the same manner as charges are directed to be registered and published by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the better regulating of the Forms of Process in the Courts of Law in *Scotland*:" Provided, That such Arrestment shall not interpel such Person or his Agent from paying the debt due by him to his Creditor, unless proof be made that he or the Agent was previously to the payment in the knowledge of such Arrestment having been used.

6 Geo. 4, c. 120.

Not to interpel them from paying unless aware of the Arrestment.

49. Creditors may, in any Action by an arresting Creditor, claim within Four Months after a first Notour Bankruptcy, and be ranked pari passu.

And be it Enacted, That where a Creditor who shall have executed an Arrestment within Sixty Days before or within Four Months after the Notour Bankruptcy of his Debtor shall raise an action in respect of such Arrestment, it shall be lawful for any Creditor of such Debtor (whether such Creditor has executed Arrestment or not), within Four Months after the date of such Notour Bankruptcy, to lodge a claim in such Action, with his grounds of debt (if he any has); and such Creditor shall, if there be no lawful objection to the contrary, be ranked on the arrested fund equally with the arresting Creditor, as if one Arrestment had been executed by them at one and the same time as hereinbefore provided: Declaring, That the arresting Creditor shall be preferred for all or such part of his expenses of the Arrestment and of the Action as shall be just.

50.
Or Creditors may raise Multiplepoinding in name of Arrestees, and claim within Four Months after Notour Bankruptcy.

And be it Enacted, That where an Arrestment shall have been executed, either within Sixty Days before or within Four Months after such Notour Bankruptcy, it shall be competent for any Creditor of the Debtor to execute within the said Four Months a Summons of Multiplepoinding in the name of the Arrestee, or of the arresting Creditor (if he shall have obtained payment) or other Person in whose name it may be competently done, or any other competent action in respect of such Arrestment; and every Creditor who shall execute such Summons or Action, or lodge a Claim, with his grounds of debt (if he any has), in the hands of the Clerk of Court within the said Four Months, shall be ranked equally as aforesaid on the fund with the said arresting Creditor, or be entitled to demand from him, if he shall have received payment, a rateable share of the fund, after allowing out of the fund such expenses as the arresting Creditor may lawfully be entitled to.

51.
Creditors after Four Months to be ranked as formerly.

And be it Enacted, That Arrestments after the expiration of Four Months from such Notour Bankruptcy shall not compete with any Arrestment used within Sixty Days before or Four Months after such Bankruptcy, but shall have such preference as they were entitled to by the former law and practice.

52.
Same rules to apply in a second or subsequent Bankruptcy.

And be it Enacted, That where a Debtor shall, after expiration of the said Four Months, be rendered a second time Notour Bankrupt, the same rules which are hereinbefore provided in relation to the first Notour Bankruptcy, shall in all competitions among Creditors arresting, claiming or raising action in regard to any funds or effects arrested, take place and receive effect within Sixty Days before and Four Months after the second Notour Bankruptcy; provided that the second Notour Bankruptcy shall have no effect on any competition as to funds or effects arrested within Sixty Days before or within Four Months after the first Notour Bankruptcy; and the same rules shall receive effect where any subsequent Notour Bankruptcy shall take place on the expiration of Four Months from the immediately preceding Bankruptcy: Provided, That nothing herein contained shall affect any competition as to any Arrestment which may have arisen or shall arise under any law existing prior to the said First day of October, or the rules established by an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*."

53. Securities to be deducted.

And be it Enacted, That in all questions of competition, if any Creditor shall hold a Security for payment of his debt upon the Debtor's estate, he shall deduct from the debt the amount or value of such Security, and he shall be ranked for the balance only after such deduction: Provided, That he shall in no event draw more than full payment.

54. Arrestments of Ships.

And be it Enacted, That the same Rules which are herein made in relation to Arrestments and the ranking thereof shall have effect in regard to Arrestments of Ships executed within Sixty Days before or Four Months after the Notour Bankruptcy of the Owners of such Ships.

55. Lord Ordinary in the Outer-house may recall or restrict Arrestments subject to review.

And be it Enacted, That on and after the said First day of October it shall be competent to the Lord Ordinary in the Court of Session before whom any Summons containing Warrant of Arrestment shall be enrolled as Judge therein, or before whom any Action, on the dependence whereof Letters of Arrestment have been executed, has been or shall be enrolled as Judge therein on the application of the Debtor or Defender by Petition duly intimated to the Creditor or Pursuer, to recall or to restrict such Arrestment, on caution or without caution, and dispose of the question of Expenses as to the Lord Ordinary shall appear just: Provided, That his deliverance shall be subject to the review of the Inner-house, by a reclaiming Note duly lodged within Ten Days from the date of the said Order; and that nothing herein contained shall affect the jurisdiction of the Lord Ordinary on the Bills, or of the Judge Ordinary as to recalling or restricting Arrestments according to law as heretofore established.

56. Arrestments to prescribe in Three Years.

And be it Enacted, That Arrestments executed on or after the said First day of October upon liquid Obligations, shall prescribe on the expiration of Three Years from the date of the execution thereof; and Arrestments executed on or after the said First day of October on the dependence of Action shall prescribe on the expiration of Three Years after the date of the final Decree in such Actions, if the Arrestments are not insisted in within the said respective periods.

57. POINDINGS.

Compearing Creditors to be conjoined, and poinded Effects to be valued.

AND whereas it is expedient to regulate the diligence of Poinding and the rights of Creditors on the poinded effects; BE it therefore Enacted, That on and after the said First day of October, where an Officer of the Law shall proceed to poind moveable effects, he shall, if required, conjoin in the poinding any Creditor of the Debtor who shall exhibit and deliver to him a Warrant to poind; and on the effects being poinded, the Officer shall cause them to be valued by Two Valuators, and one valuation shall be sufficient.

58. Effects to be left with, and Schedule given to the Possessor.

And be it Enacted, That the Officer shall leave the poinded effects with the Person in whose possession they were when poinded; and he shall deliver to the Possessor a Schedule specifying the poinded effects and at whose instance they were poinded, and the value thereof.

59. Officer to report Poinding within Eight Days.

And be it Enacted, That the Officer shall within Eight Days after the day on which the Poinding was executed (unless cause shall be shown why the same could not be done within the period of Eight Days), report the execution thereof to the Sheriff, in which execution he shall specify the circumstances connected with the Poinding, and particularly the effects poinded, the value thereof, the names and designations of the Valuators, and the names and designations of the Creditor at whose instance the effects were poinded, the Person in whose hands they were left, and the delivery of the Schedule as aforesaid; which Execution shall be subscribed by him and by the Two Valuators, who shall also be witnesses to the Poinding without the necessity of other witnesses.

60. Sale advertised, and notice to the Debtor.

And be it Enacted, That on the Execution being reported, the Sheriff shall, if necessary, give orders for the security of the effects; and if they be of a perishable nature, for the immediate disposal thereof, under such precautions as to him shall seem fit; and if not so disposed of, and if no cause be shown to the contrary, he shall, if required, grant Warrant to sell them by public roup, at such time and at such place, and to publish such Notice of the sale and offer them at such upset price, and at the sight of such Person as Judge of the roup, (with power to such Person to diminish the upset price to a certain extent, in the event of the upset price not being offered,) as may appear to the Sheriff most expedient for all concerned: Provided, That excepting in the case of perishable effects, the sale shall not take place sooner than Eight Days, nor at a longer period than Twenty Days after the date of the Notice of sale to the Debtor; and the Sheriff shall order acopy of the Warrant of sale to be served on the Debtor and on the Possessor of the poinded effects, if he be a different person from the Debtor.

61. Effects to be sold or delivered to Poinding Creditors.

And be it Enacted, That the poinded effects shall be offered for sale and sold as ordered; but if no Offerer appear, the effects or such part as shall satisfy the debt, interest and expenses due to the poinding Creditor and conjoined Creditor, shall be delivered by the Judge of the roup to the said poinding Creditor and conjoined Creditor, or to his or their authorized Agent, subject to the claims of other Creditors in manner hereinafter provided.

62. Report and Price to be lodged.

And be it Enacted, That on the effects being sold or delivered as aforesaid, the Judge of the roup shall within Eight Days after the date of the sale make a Report to the Sheriff of the said sale or delivery; and if the effects shall have been sold, he shall also within the said space of Eight Days lodge with the Sheriff-Clerk the Roup-rolls, or certified copies thereof, and an account of the sum arising from, and of the expenses of the sale, which sum he shall within the said Eight Days lodge in the hands of the Sheriff-Clerk ; and the said sum, after deduction of lawful charges, shall, if no cause be shown to the contrary, be ordered by the Sheriff to be paid to the poinding Creditor and conjoined Creditor (provided the amount does not exceed the amount of the debt, interest and expenses), but subject to the claims of other Creditors in manner hereinafter provided; and the Report and relative Documents, when lodged, shall be patent to all concerned, on payment of a fee of One Shilling only.

63.
Creditors entitled to purchase.

And be it Enacted, That where any effects are exposed to sale as aforesaid, it shall be lawful for any Creditor to purchase the same.

64.
Unlawful Intromitter liable to imprisonment or in Double the appraised value.

And be it Enacted, That if any Person shall unlawfully intromit with or carry off the poinded effects to disappoint the Poinding, he shall be liable, on complaint to the Sheriff of the county where the effects were poinded, or where he is domiciled, to be imprisoned until he restore the effects, or he shall be liable in Double the appraised value, which may be recovered by a Petition to such Sheriff, or by an ordinary Action before the Court of Session at the instance of the Poinder, subject to the claims of other Creditors in manner hereinafter provided.

65.
Poinding within Sixty Days before, or Four Months after first Notour Bankruptcy to give no preference; but Creditors claiming within the Four Months to be ranked equally.

And be it Enacted, That on and after the said First day of October, where a Debtor is rendered Notour Bankrupt, Poinding executed within Sixty Days before, or within Four Months after such Bankruptcy, shall not give a preference to the poinding Creditor for his or their debt; and every Creditor of the Debtor who shall within the said Four Months make a claim or raise an action in manner hereinafter provided, shall be ranked equally (or *pari passu*) in proportion to his debt and interest thereof on the poinded effects, or Double the appraised value or the price (as the case may be), as if one Poinding had been executed by them all at one and the same time, after deduction of the expenses of the Poinding, which shall be paid out of the fund to the poinding Creditor preferably.

66.
Competing Creditors may either lodge Claim, or raise Action.

And be it Enacted, That where any Creditor shall have executed a Poinding within Sixty Days before, or Four Months after such Notour Bankruptcy, and the effects have not been delivered, nor the price, nor Double the appraised value thereof paid to him, any other Creditor (whether he hold liquid grounds of debt or not, and whether he has executed Poinding or not,) may, within Four Months after such Bankruptcy, lodge with the Sheriff-Clerk a claim in the Poinding, with his grounds of debt (if he any has), setting forth the amount of his debt and interest, and craving to be ranked on the said effects, or Double the appraised value or price thereof (as the case may be); or if any process be depending in relation to the said effects, or Double the appraised value or the price, before delivery or payment as aforesaid, he may lodge in such process a similar claim, with his grounds of debt (if he any has) within the said period of Four Months; and if the effects have been delivered, or Double the appraised value, or the price paid to the poinding Creditor, such other Creditor may, within the said Four Months, execute a Summons of Multiplepoinding in the name of such poinding Creditor, or any Person in whose name it may be competent to do so, or execute any other competent Summons, in order that the said effects, or Double the appraised value or price, may be divided equally among the Creditors; and in the said several cases, the Creditors shall, if there be no cause to the contrary, be ranked equally as aforesaid on the said effects, or on Double the appraised value or on the price (as the case may be), after deduction of the expenses of the Poinding, which shall be paid out of the fund to the poinding Creditor preferably.

67.
Poindings after Four Months to be ranked as formerly.

And be it Enacted, That Poindings, after the expiration of Four Months from such Notour Bankruptcy, shall not compete with any Poinding executed within Sixty Days before, or Four Months after the said Bankruptcy, but shall have such preference as they were entitled to by the former law and practice.

68.
Same Rules as in a first to apply in a second or subsequent Bankruptcy.

And be it Enacted, That where a Debtor shall, after the expiration of the said Four Months, be rendered a second time Notour Bankrupt, the same Rules which are hereinbefore provided in relation to the first Notour Bankruptcy, shall, in all competitions among Creditors poinding, claiming or raising action in regard to any effects poinded within Sixty Days before, or within Four Months after such Bankruptcy, take place and receive effect: Provided, That the second Notour Bankruptcy shall have no effect on any competition as to the effects poinded within Sixty Days before, or within Four Months after the first Notour Bankruptcy; and the same Rules shall also receive effect where any subsequent Notour Bankruptcy shall take place after the expiration of Four Months from the immediately preceding Notour Bankruptcy: And nothing herein contained shall affect any competition as to any Poinding which may have arisen or shall arise under any law existing prior to the said First day of October, or any Rules established by an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*."

69.
In questions of Ranking, Securities to be deducted.

And be it Enacted, That in all questions of competition of Poindings, if any Creditor hold a Security for payment of his debt upon the

Debtor's estate, he shall deduct from his debt the amount or value of such Security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

70.
Act not to affect Landlords' hypothec.

And be it Enacted, That nothing herein contained shall affect the Landlords' hypothec for rents, or any other hypothec known in law.

71.
INHIBITIONS.

Letters of Inhibition may be in the form of the annexed Schedule.

AND whereas it is expedient to improve the law as to the diligence of Inhibition; BE it therefore Enacted, That on and after the said First day of October, it shall be competent to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to Letters of Inhibition, in the form of the Schedule (No. 13.) hereunto annexed (or as near to that form as circumstances may permit), setting forth the name and designation of the Complainer, the nature and tenor of the Document of debt or obligation, or of the Interlocutor or decree in respect whereof, or of the Summons on the dependence whereof the Letters are raised, and the name and designation of the Person against whom the Letters are directed, and concluding with a Warrant to inhibit the Debtor personally, or at his dwelling-place, if within Scotland, and if furth thereof, by delivery of a copy of the Letters of Inhibition at the Record Office of the Keeper of the Records of the Court of Session, that he in no way convey, burden, or put away any of his lands, or other heritable rights or subjects, or uplift or assign any heritable debts, or contract or take on debts, or grant bonds or other securities therefor, or do any other act or deed whereby his lands or other heritable subjects or rights may be burdened, affected or attached, or the Complainer prevented from recovering out of them payment of the sums of money mentioned in the said Letters.

72.
Competent to insert a Warrant for Inhibition in Summonses raised before the Court of Session.

And be it Enacted, That on and after the said First day of October, it shall be competent to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to any Summons raised before the Lords of Council and Session, containing a Warrant of Inhibition to the effect aforesaid, in the form of the Schedule (No. 14.) hereunto annexed (or as near to that form as the circumstances may permit); and it shall not be necessary that any Warrant shall have been obtained from the Lords of Council and Session in the Bill-Chamber, to the effect of issuing such Summons; and such Warrant for Inhibition shall be as effectual as if Letters of Inhibition had been raised on the dependence of such Summons: Provided, That such Warrant shall be executed either at one and the same time with executing the Warrant of Citation, or after the execution of such Citation, and that the execution of the said Warrant of Inhibition shall be registered in manner hereinafter provided.

No Bill or Warrant requisite.

73. Charge to the Lieges by publication at the Market-cross or Pier and Shore dispensed with.

And be it Enacted, That after the said First day of October, it shall not be requisite to execute Letters of Inhibition, or Summons containing Warrant for Inhibition, by publication thereof at the Market-cross of any burgh or Pier and Shore of *Leith*, and to return an execution that publication has so been made: Provided, That where the Debtor or Defender is furth of *Scotland*, the same shall be executed at the said Office of Citations.

74. Registration of the Letters and Summons and Executions dispensed with; and Registration of sufficient.

And be it Enacted, That on and after the said First day of October, in place of recording a full copy of the Letters of Inhibition, or of the Summons containing Warrant of Inhibition, and the executions thereof, within Forty Days after execution thereof, it shall be sufficient, at any time after such Letters or Summons shall have been executed, to record the execution thereof in the General Register of Inhibitions at *Edinburgh*, or in the particular register of Inhibitions of the County wherein the Debtor's or Defendant's Estates are situate; in which execution there shall be set forth the name and designation of the Creditor or Pursuer at whose instance the Letters or Summons have been raised, the date of signeting, the name and designation of the Debtor or Defender against whom they are directed, the description of the Document or decree in respect whereof, or the Summons on the dependence of which the Letters have been raised, the amount of the debt contained in the said Letters or Summons, the mode of execution, and the date thereof; and the Keeper of the Register shall state therein the name and designation of the person by whom the same was presented, and the date of presentation, and shall write upon the Letters or Summons and on the execution (if it be written on paper apart) a Certificate of the registration thereof, which he shall date and subscribe in terms of the Schedule (No. 15.) hereto annexed; and on the execution being so recorded, Inhibition shall have effect from the date of such registration; and the registration of the execution shall be as effectual as if the said Letters and Summons had been fully recorded.

75. Inhibition not to have effect as to acquirenda.

And be it Enacted, That such Letters of Inhibition or Summons and registration of the Abbreviate and Execution, shall not be effectual as to acquirenda after the date of the said registration, but only as to such lands or other heritable subjects, or heritable debts to which the Debtor or Defender shall have obtained right before the date of registration as aforesaid.

76. Inhibition to prescribe after Five Years from the date of registration, or of decree, or of the debt being due.

And be it Enacted, That on and after the said First day of October, every Inhibition executed, by virtue of Letters of Inhibition, in respect of any debt or obligation which at the date of the execution shall be due or prestable, shall prescribe, on the expiration of Five Years after the date of the said registration, unless the Inhibition shall within the said period be insisted in; and every Inhibition on the dependence of any

Summons, or by virtue of any Summons containing Warrant of Inhibition, shall prescribe on the expiration of Five Years after the date of the final Decree pronounced in the process following thereon, unless the Inhibition be lawfully insisted in within the said period; and every Inhibition in respect of any debt or obligation which at the date of the execution of the Inhibition is due or prestable at any future period, or whereof the payment or performance is dependent on any condition or contingency, shall prescribe on the expiration of Five Years after the date when the debt or obligation shall be payable or prestable, or the condition purified, unless the Inhibition be lawfully insisted in within the said period: Provided, That it shall be competent at any time to continue or to renew the effect of the Inhibition for the farther space of Five Years, by of new executing and registering the Letters or Summons containing Warrant of Inhibition, in the same manner as if the Letters and Summons had been for the first time executed and registered.

But to be renewable by executing and registering of new.

77.
Lord Ordinary in the Outer-house and in the Bill-Chamber to have power to recall or restrict Inhibitions subject to review.

And be it Enacted, That on and after the said First day of October it shall be competent to the Lord Ordinary in the Outer-house of the Court of Session, before whom any Summons containing Warrant of Inhibition shall be enrolled as Judge therein, and which has been executed and registered as aforesaid; or before whom any action, on the dependence whereof Letters of Inhibition have been executed and registered, has been or shall be enrolled as Judge therein; and it shall also be competent to the Lord Ordinary on the Bills, during vacation, in either of the above cases, or where Letters of Inhibition have been raised, executed and registered on the dependence of any action before any inferior court, on the application of the Debtor or Defender, duly intimated to the Creditor or Pursuer, to recall or to restrict the Inhibition, on caution or without caution, as to the Lord Ordinary in the Outer-house, or (as the case may be) to the Lord Ordinary on the Bills, shall appear just; and to order the registration of the Inhibition either to be cancelled, or a marking made on the margin of the register where the Inhibition is recorded, that the same is recalled or restricted (as the case may be); and this order shall be as effectual as if it had been pronounced by the Inner-house of the Court of Session: Provided always, That it shall be subject to the review of the Inner-house by a reclaiming Note duly lodged within Ten Days from the date of the said order.

78.
ADJUDICATIONS.

No Bill necessary to authorize a Summons of Adjudication for Debt.

AND whereas it is expedient to regulate the law as to Adjudications for payment, or in security of debts, and the rights of Creditors in competition, to shorten the time of redemption, and to improve the forms of charges against heirs, in that part of *Great Britain* called *Scotland*; BE it therefore Enacted, That on and after the said First day of October, it shall be lawful to Writers to the Signet to subscribe, and to the

Keeper of the Signet to affix the signet to any Summons of Adjudication for payment, or in security of debt, without the necessity of a Bill being presented in the Bill-Chamber of the Court of Session, and without a Warrant passing the Bill, or authorizing such Summons to be issued; and such Summons, when duly subscribed and signeted, shall be a sufficient warrant for citation, and for all other lawful proceedings consequent thereon.

79.
Pursuer may conclude for general Adjudication, (without a special Adjudication) and for Decree of Expiry of Legal.

And be it Enacted, That on and after the said First day of October, in place of the form now in use under the provisions of an Act of the Parliament of *Scotland*, passed in the year One thousand six hundred and seventy-two, intituled, "An Act anent Adjudications," the Pursuer may, in any Summons of Adjudication for debt, conclude that the heritable estate belonging to the Defender, specified in the Summons, and all his other lands and heritages, with all right, title and interest, writs, title-deeds and securities thereof, should be adjudged to belong to the Pursuer, and to all the Creditors who shall be conjoined, in manner hereinafter provided, as Pursuers heritably, but under reversion as hereinafter provided, in security and for payment of the principal debt or debts due to him or them, with interest thereon, expenses of process and dues of extract (to be accumulated into a principal sum as at the date of the decree or decrees respectively to be pronounced); and in security and for payment of the interest of such accumulated sum during the not-redemption, and of all necessary expenses; as also that on the expiration of the legal term of redemption, decree should be pronounced declaring it expired, and the subjects to belong absolutely to the Pursuer; or alternatively, that they should be sold, all as hereinafter provided: Provided, That it shall not be necessary that the Pursuer shall conclude alternatively for a special Adjudication of the Defender's heritable subjects; and the said last-recited Act, in so far as the same is inconsistent with this Act, shall be and is hereby repealed.

80.
Summons to be called, according to existing practice, during Session; and on the Box-days during Vacation.

And be it Enacted, That on such Summons of Adjudication being executed, it shall, if the diet of compearance fall within the time when the Court of Session is sitting, be called agreeably to the existing practice; but if the diet of compearance fall within the vacation, the Summons may be called on one of the days appointed as box-days, provided the box-day be on or after the diet of compearance; and if the diet of compearance fall on a day subsequent to the box-days, or if the Summons has not been called at the box-day, it shall be called on the First calling day of the ensuing session.

81.
Defender to lodge Defences, if he any has, within a limited period.

And be it Enacted, That on such said Summons of Adjudication being called during Session, and if no appearance be made by the Defender, or if appearance has been made and the time for lodging defences has expired without defences being lodged, the Summons may be enrolled before one of the Lords Ordinary in the Outer-house, who shall order intimation in manner hereinafter provided; and if appearance be made, the Defender shall lodge Defences, (if he any has,) agreeably to the existing practice; and the Summons and Defences may be enrolled before one of the Lords Ordinary, who shall hear Parties thereon; and if no good cause be shown to the contrary, he shall appoint intimation to be made in the Minute-book of the Court of Session, on the walls of that Court, in the *Edinburgh* Gazette, that the said Summons has been raised, specifying the name of the Lord Ordinary before whom the same has been enrolled and the Clerk thereto, and of the Pursuer and Defender, in order that any other Creditors of the Defender may appear and be conjoined as Pursuers in manner hereinafter provided.

Intimation of the Summons, &c. to be made.

82.
If Defences due, or Summons called in Vacation, Defences to be lodged at particular times.

And be it Enacted, That if the Summons has been called during Session, but Defences do not fall to be lodged till the first box-day in the ensuing vacation, and if no Defences shall be then lodged, or if the Summons be called at the first box-day during the vacation and no appearance be then made for the Defender, the Lord Ordinary on the Bills shall forthwith order intimation in manner as hereinbefore provided; and if Defences be lodged at the said first box-day, the Summons and Defences may at any time within Eight Days thereafter be enrolled in a roll to be kept for that purpose in the Bill-Chamber; and the Lord Ordinary on the Bills shall, on a day appointed for the purpose, hear Parties thereon, and if no satisfactory cause be shown to the contrary, he shall appoint intimation to be made in the *Edinburgh* Gazette and in the said Minute-book; and if appearance for the Defender be made at the calling on the first box-day, he shall lodge Defences thereto, if he any has, on or before the second box-day in the same vacation; and if no Defences are lodged at the second box-day, the Lord Ordinary on the Bills shall forthwith order intimation as hereinbefore provided; and if Defences are lodged at the second box-day, the Summons and Defences may at any time within Eight Days thereafter be enrolled in a roll to be kept for that purpose in the Bill-Chamber; and the Lord Ordinary on the Bills shall, on a day appointed for the purpose, hear Parties thereon, and if no cause be shown to the contrary, he shall appoint intimation as hereinbefore provided.

Intimation to be made.

83.
Process not to continue before Lord Ordinary on Bills, but to be transferred to Outer-house.

And be it Enacted, That where any Summons has been enrolled before the Lord Ordinary on the Bills, the process shall not continue, after intimation has been ordered as aforesaid, before such Lord Ordinary, but it shall, for the purpose of being farther proceeded in, be enrolled before one of the Lords Ordinary in the Outer-house, in the same way as other actions are enrolled before a Lord Ordinary for the first time in the Outer-house.

84.
Review of Lord Ordinary's Order for Intimation.

And be it Enacted, That any Person aggrieved by the said Order for intimation, may bring the same under review of the Inner-house;

provided that, if the Order has been pronounced by a Lord Ordinary in the Outer-house, a reclaiming Note be duly lodged within Ten Days after the date of the said Order; and if the Order has been pronounced by the Lord Ordinary on the Bills, provided that leave to reclaim be obtained from such Lord Ordinary within Ten Days from the date of such Order, and that a reclaiming Note be duly lodged on or before the Second sederunt day of the ensuing Session.

85.
Creditors may appear and be conjoined as Pursuers.

And be it Enacted, That any Creditor of the Defender who is possessed of a Decree constituting his debt, or of a liquid document of debt, may, within One Year and Day after the date of the first effectual Decree of Adjudication to be pronounced as hereinafter provided, lodge with the Clerk to the process a Claim subscribed by Counsel, setting forth the nature of his demand, the grounds thereof, and the amount of the debt for which he claims; and he shall produce therewith the said Decree (or an extract thereof) or other liquid document of debt; and on the said Claim being duly notified to the Defender on induciæ of Six Days, either by a Notary Public, or by a Messenger-at-Arms in presence of one Witness; and on an execution thereof, subscribed by the said Notary, or Messenger and Witness, being produced, the Lord Ordinary may conjoin the said Creditor as a Pursuer of the Summons, and pronounce Decree of Adjudication as hereinafter provided, without the Creditor executing a Summons of Adjudication: Provided, That it shall be competent for any Creditor to execute a separate Summons of Adjudication at his own instance against the same Debtor, and to follow forth proceedings therein as herein directed, but in such case the Creditor shall not be entitled to any part of the expense thereof from the Debtor, or his estate, unless he can show that the previous Summons of Adjudication was inept, in which case, if otherwise entitled to them, expenses may be awarded to him.

May raise separate Summonses, but not to be entitled to Expenses, unless original Summons inept.

86.
Separate Decrees of Adjudication in favour of each Creditor to be pronounced.

And be it Enacted, That after intimation has been made as aforesaid, the cause may be enrolled before the Lord Ordinary, who, if there be no cause to the contrary, shall pronounce Decree of Adjudication, in terms of the libel, in favour of the Pursuer; and also separate Decrees of Adjudication, in terms of the libel, and of their respective Claims, in favour of each of the conjoined Creditors; or reserving, if necessary, all objections *contra executionem*.

87.
No objection other than 'No Process' to be competent against Decree in favour of conjoined Creditor.

And be it Enacted, That where any Creditor has been conjoined with the original Pursuer of a Process of Adjudication, it shall not be competent for the Defender to make any objection to the Decree of Adjudication in favour of such conjoined Creditor, in respect of any objection to the original summons, or to the citation, or to any of the other proceedings consequent thereon, other than the exception of "No Process;" reserving all competent defences against the debt of the original

If original Pursuer die, or abandon, conjoined Creditor may insist.

original Pursuer, or the debt of the conjoined Creditors; and if the original Pursuer shall die or abandon the Summons, any Creditor conjoined, who shall be admitted as a Pursuer, may insist therein, as if the action had been originally raised by him: Provided, That nothing herein contained shall affect the right of any trustee on the sequestrated estate of the Debtor to claim in the manner and to the effect provided by an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*."

88.

First effectual Decree.

And be it Enacted, That the Decree of Adjudication in favour of the Pursuer, or if he has previously thereto withdrawn, the Decree in favour of the Creditor who has first lodged his Claim, and if he has in like manner withdrawn, then the Decree in favour of the Creditor who has next thereafter lodged his Claim, and so on in their order, shall be held to be the first effectual Decree of Adjudication for behoof of all the conjoined Creditors to the effect after specified, from the date of the pronouncing thereof; provided an Abbreviate thereof shall be duly recorded within Ten Days after its date, as hereinafter provided; and the expense of obtaining and recording the first effectual Decree shall form a preferable claim on the price of the subjects, when sold, as hereinafter provided.

Expenses of it preferable.

89.

Lord Ordinary may dispense with induciæ.

And be it Enacted, That the Lord Ordinary may dispense with the induciæ of any Summons of constitution duly signeted, or a Claim as aforesaid subscribed by counsel, where this may be necessary to enable a Creditor to obtain Decree of Adjudication within the said Year and Day, reserving all objections as aforesaid.

90.

Review of Decrees.

And be it Enacted, That all the Decrees and Interlocutors of the Lord Ordinary shall be subject to review of the Inner-house by a reclaiming Note, duly lodged within Twenty-one Days from the date of the Decree, unless some other time be herein specified.

91.

After Year and Day from first effectual Decree, no Creditors to be admitted; but may raise separate Adjudications of any other estate.

And be it Enacted, That after the expiration of Year and Day from the date of pronouncing the first effectual Decree of Adjudication, it shall not be competent for any other Creditor to appear in the process, or for the Lord Ordinary to pronounce in his favour any Decree of Adjudication therein; reserving to the said Creditor to raise and execute a separate Summons of Adjudication of any heritable estate, or any right or interest belonging to the Debtor which are not included in the said original Summons, or reversionary interest remaining after satisfying the Creditors adjudging within the said space of Year and Day, and the proceedings in reference to and under such separate Summons shall be the same as those which are provided for by this Act.

92.

Creditors may obtain Abbreviates of Decrees separately.

And be it Enacted, That the original Pursuer, or any of the conjoined Creditors in whose favour Decrees of Adjudication have been pronounced, may obtain an Abbreviate of the Decree in his own favour, or such part of any Decree which is applicable to his debt; which Extract or Abbreviate shall be in terms, and in the form of Schedule (Number 16.) hereunto annexed (or as near thereto as circumstances will permit), and shall contain the names and designations of the Creditor and of the Debtor, the date of the Decree and of extracting the same, and a description of the subjects adjudged, and the precise amount of the debt and interest and expenses, and other sums accumulated as aforesaid, and shall be authenticated by the signature of the extractor; and it shall not be necessary that it be subscribed by the Lord Ordinary; and no other fees than the fees allowed for extracts of decrees in ordinary actions shall be charged for the same.

93. Abbreviates to be recorded within a time not more than Twenty Days after Year and Day from the first effectual Decree.

And be it Enacted, That such Abbreviate shall be recorded in the register of Abbreviates of Adjudications, or such other register as may for that purpose be provided, by inserting therein a full copy thereof at any time within a period not exceeding Twenty Days after the expiration of Year and Day from the date of the first effectual Decree of Adjudication; and it shall not be necessary, after the Abbreviate of one Decree has been recorded, containing a full enumeration and description of the subjects adjudged, to repeat, in recording the Abbreviates of Decrees pronounced within Year and Day which may thereafter be presented for registration, the enumeration and description of the lands, but it shall be sufficient to refer back for such enumeration and description to the entry of the recorded abbreviate containing the same; and the Keeper shall enter in the said Register the name and designation of the person by whom the Abbreviate was presented and the date of presentation, and he shall annex to such Abbreviate a Certificate that the same has been duly recorded, in terms of the Schedule (Number 17.) hereunto annexed.

94. Creditors with recorded Abbreviates to be ranked pari passu, and according to their rights otherwise.

And be it Enacted, That the original Pursuer and the Creditors who have obtained Decrees of Adjudication within Year and Day from the date of the first effectual Decree of Adjudication, and of which the Abbreviates have been recorded at any time not exceeding the said Twenty Days after the said period of Year and Day, shall be ranked equally as if they had all obtained Decrees of Adjudication for their respective debts at the date of the first effectual Decree of Adjudication, and, in other respects, according to their several rights and titles.

95. Decrees of conjoined Creditors not to be affected by payment of the Debt in the Summons, nor of that in the first effectual Decree.

And be it Enacted, That where the debt in respect of which the Summons of Adjudication was raised has been paid or extinguished, the Decree of Adjudication in favour of any of the conjoined and subsequent adjudgers shall not be thereby invalidated; nor where the debt in the said first effectual Decree of Adjudication is paid or extinguished shall the reckoning of the said Year and Day be thereby affected.

96. Securities to be deducted.

And be it Enacted, That in all questions of Ranking of Adjudications, if a Creditor hold a security for payment of his debt upon any part of the Debtor's estate not included in the Decree of Adjudication, he shall deduct from his debt the amount or value of such security, and he shall be ranked for the balance only after such deduction, and receive payment accordingly: Provided, That he shall in no event draw more than full payment.

97.
Recorded Abbreviate to constitute a real burden on lands.

And be it Enacted, That where the Abbreviate of a Decree of Adjudication has been recorded in manner before provided, the sum therein specified shall, without any Charter of Adjudication or Sasine thereon, or charge to Superiors, or presenting a Signature in Exchequer, be from the date of recording a real debt on the subjects mentioned in the Decree; and the Abbreviate, with a certificate in terms of the said Schedule (Number 17.) shall be an effectual title to the Creditor in whose favour the decree has been pronounced, and to his heirs and assignees, to raise action of maills and duties, poinding of the ground, apply for removing of tenants and sequestration of the rents, and to enter to possession to the same effect as if he were infeft in security of his debt, without prejudice to the rights of the Superior; but neither the Decree of Adjudication nor the recorded Abbreviate, shall transfer the said subjects in property to the Creditor during the period of redemption, nor till Decree of Expiry of the Legal be pronounced as hereinafter provided.

98.
Redemption limited to Five Years from Year and Day after the first effectual Decree; and from dates of Decrees thereafter.

And be it Enacted, That the Debtor, or his successor, may redeem the estate of which Decree of Adjudication has been pronounced as aforesaid at any time within the space of Five Years after the expiration of Year and Day from the date of pronouncing the first effectual Decree of Adjudication; and where Decree of Adjudication has been pronounced after the expiration of Year and Day after the date of each Decree, he may redeem the same at any time within Five Years from the date of the Decree, by paying to the Creditor or his successor, the sums of money specified in the Decree and the expenses decerned for, with the lawful interest on the sums and expenses in the Decree during the time of the not-redemption, and also the expenses of extracting the Decree and recording the extract, as the same shall be modified by the Court of Session, or consigning the same in one of the chartered Banks in *Edinburgh* on a receipt in favour of the said Creditor or his foresaids, and lodging the receipt with one of the Principal Clerks of Session, and duly notifying such consignation and lodging to the said Creditor or his foresaids; or by paying or consigning as aforesaid such parts of the said sum or sums as shall be resting owing to the said Creditor or his foresaids: Provided, That where the period allowed by any Deed of Entail to redeem any Adjudication against the estate shall not exceed the period of Ten Years, nothing herein contained shall limit or extend the period within which any Heir of Entail may redeem such Adjudication; but when the

Exception as to Heirs of Entail and Minors.

the same exceeds Ten Years, then the period shall be limited to Ten Years; and the rights of minors shall remain and be judged of in the same way as if this Act had not been passed.

99. Creditor may raise action for Decree of Expiry of the Legal, or for Sale.

And be it Enacted, That on expiration of the said period of redemption, any Creditor or any one in his right who has obtained and recorded a Decree of Adjudication may either enrol the Process before the Lord Ordinary, to the effect of insisting in the conclusions of the original Summons, or for Decree of Expiry of redemption, or alternatively for a sale of the said subjects; or such Creditor may raise and execute a Summons concluding for Decree of Expiry of redemption, to have it found that the right of the Pursuer has now become absolute, and that the estate adjudged shall belong to the Pursuer absolutely, and Superiors be ordained to infeft the Pursuer therein accordingly; or alternatively and in the Pursuer's option that the said estate should be sold by public roup, and the Pursuer paid his debt, interest and expenses out of the price.

100. Intimation to be made.

And be it Enacted, That in case the Creditor shall proceed by enrolling the original Process, the Lord Ordinary shall grant Warrant on the usual induciæ to serve a copy of such Warrant on the Defender or his successor; and if the Creditor proceed by a new action, then the Summons shall be in terms of law served on the Defender or his successor; and in both cases Notice shall be given to each of the Creditors in whose favour Decrees of Adjudication have been pronounced within Year and Day from the date of the first effectual Decree, or to his successor, by advertisement in the *Edinburgh* Gazette; and if payment be not tendered, or if no lawful cause be shown to the contrary, the Lord Ordinary shall pronounce Decree declaring the legal period of redemption to be expired, and that the subjects belong to the Pursuer in terms of the conclusions of the Summons, and shall grant Warrant to charge Superiors to enter and infeft him in terms of law.

101. Provisions where Creditor applies for sale of the Lands.

And be it Enacted, That in case the said Creditor shall in place of moving for Decree of Expiry move for Decree in terms of the alternative conclusion as to the sale of the lands, the proceedings for the sale and payment or consignation of the price, and the ranking of the Creditors, and the division of the price, and in all other respects, shall be the same as in a process of ranking and sale.

102. Charges against Heirs may be inserted in the Summons of Constitution, and Bill dispensed with.

And be it Enacted, That on and after the said First day of October it shall not be necessary for any Creditor of a deceased Debtor to expede letters of general charge or of special charge, or of general special charge or other charges against the Heir to compel him to enter or to constitute a passive title as representing such Debtor; but it shall be sufficient in any Summons of Constitution raised either before the Court of Session or the Sheriff Court against such Heir to insert a Warrant or Will containing a general charge, and to insert in any Summons of Adjudication a Warrant for a special charge or a general special charge, as the case may be; or if the Heir himself shall be the Debtor, and where no Decree of Constitution is requisite, it shall be competent to insert such Warrant in any Summons of Adjudication which may be raised against such Heir, and that without the necessity of any Warrant from the Bill-Chamber of the Court of Session.

103.
RANKING AND SALE.

No Bill and Warrant necessary to authorize a Summons of Ranking and Sale.

AND whereas it is expedient to amend the Law as to actions of Ranking and Sale before the Court of Session, to regulate the rights of Creditors in competition, and to extend the jurisdiction of the Sheriff in *Scotland* to such actions where the subjects are of small value; BE it therefore Enacted, That on and after the said First day of October it shall be lawful to Writers to the Signet to subscribe, and to the Keeper of the Signet to affix the signet to any Summons of Ranking and Sale, without the necessity of a Bill being presented in the Bill-Chamber of the Court of Session, and without a Warrant passing the Bill or authorizing such Summons to be issued; and such Summons when duly subscribed and signeted shall be a sufficient warrant for citation and for all other lawful proceedings consequent thereon.

104.
Any Debtor, Owner of Lands, &c. or Heritable Creditor, or Personal Creditor for a present debt of Five hundred Pounds may raise an action of Ranking and Sale.

And be it Enacted, That after the said First day of October any Debtor who is the owner of heritable estates within *Scotland*, whether he be Notour Bankrupt or not, and the apparent heir of such Debtor, and any heritable Creditor of such Debtor, whether the Creditor be infeft and in possession or not, and any personal Creditor of such Debtor, whose debt shall amount to the sum of Five hundred Pounds, and the trustee on the Debtor's sequestrated estate, may raise and insist in a Summons of Ranking and Sale of the heritable estates of such Debtor before the Court of Session: Provided, That where the Summons is raised and insisted in at the instance of an heritable or personal Creditor, the Debtor shall be Notour Bankrupt, and the debt claimed by such Creditor shall not be future or contingent.

105.
Compearing Creditor may insist, although the Pursuer die, or abandon the action.

And be it Enacted, That where any such Summons has been called, whether at the instance of the Debtor himself, or of his heir apparent, or of a Creditor, it shall be competent, although the original Pursuer may have died or abandoned the action, for any Creditor, qualified as before provided, or the Trustee on the Debtor's sequestrated estate, who shall make appearance as hereinafter provided, to insist therein in the same way and to the same effect as if the Summons had been originally raised by such Compearer; and where such Compearer has been conjoined as a Pursuer, no objection to the proceedings in the process, nor to the sale, nor to the title of the purchaser, shall be competent

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petent on the ground of any nullity in the title or document of debt of the original Pursuer.

106.
Not necessary in the Summons to have the concurrence of the Lord Advocate; nor to allege possession by an heritable Creditor; nor insolvency.

And be it Enacted, That after the said First day of October it shall not be necessary to obtain the concurrence of His Majesty's Advocate to any Summons of Ranking and Sale, nor to set forth that it is pursued with his concurrence, for His Majesty's interest; nor that the heritable Creditor Pursuer thereof is in possession of the heritable subjects mentioned in the Summons; nor that the debt or owner thereof is insolvent.

107.
Conclusions of the Summons.

And be it Enacted, That where the said Summons is raised by the Debtor or his apparent heir, he shall conclude that the heritable estates enumerated in the Summons should be adjudged to belong to all the Creditors who shall be included in the decree of division; and where it is raised by an heritable or personal Creditor or Trustee as aforesaid, he shall set forth that the Debtor is Notour Bankrupt, and conclude that the heritable estates set forth in the Summons, or afterwards condescended on, as hereinafter provided, should be adjudged to belong to the Pursuer, and all the Creditors who shall be included in the decree of division; and in either case the Pursuer (whether he be the Debtor, apparent Heir or Creditor) shall conclude that decree of certification, without exception of minority, should be pronounced against those Creditors who fail to appear and produce their claims, grounds of debt and oaths of verity, on or before a day to be appointed in the course of the process, or who shall not be included in the decree of division; that the heritable estates should be sold, and decree of sale pronounced in favour of the Purchaser, which should have the effect of an irredeemable Adjudication, disencumber the lands of all heritable debts thereon, and operate as an assignation to the Purchaser of the debts to the extent of the price to be received by each of the Creditors, who should be bound to warrant their debts to the said extent and titles thereof, but not the titles to the said heritable estates, reserving the rights of the Creditors in the debts, so far as relates to the Debtor, *quoad ultra* as accords; and farther, that the Purchaser, on payment or consignation of the price, as hereinafter provided, should be discharged, and Superiors ordained to enter and grant Charters to, and to infeft the Purchaser in the said heritable estates; that the Creditors compearing should be ranked on the said estates, or the price thereof, according to their respective rights and interests; and that the price should be divided among them accordingly.

108.
Debtor and heritable Creditors to be cited specially, and all others edictally.

And be it Enacted, That where the said Summons is raised by the Debtor or his heir apparent, the heritable Creditors in possession of the said heritable estates, or any part thereof, shall in terms of law be severally cited to make appearance, and all other Creditors or others having interest shall be cited edictally on induciæ of Sixty Days, at the Office of Citations, without the necessity of any other citation; and where the Summons has been raised by an heritable or personal Creditor, or the said Trustee, the Debtor and the heritable Creditors in possession shall be severally cited in terms of law, and all other Creditors or others having interest shall be cited edictally at the said Office in manner before provided, on induciæ of Sixty Days, without any other citation whatsoever: Provided, That nothing herein contained shall affect the rules relative to the judicial sale of the estate of a Bankrupt sequestrated by virtue of an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*."

109.
Summons to be called according to existing practice if during Session;

And be it Enacted, That on the said Summons being executed it shall, if the diet of compearance fall within the time when the Court of Session is sitting, be called agreeably to the existing practice, but if the diet of compearance fall within the vacation, the Summons may be called on one of the days appointed as box-days, provided the box-day be on or after the diet of compearance; and if the diet of compearance fall on a day subsequent to the box-days, or if the Summons has not been called at the box-day, it shall be called on the First calling day of the ensuing Session.

and on the Box-days during Vacation.

110.
Defender to lodge Defences, if he any has, within a limited period.

And be it Enacted, That on the Summons being called during Session, if no appearance be made by the Defender or any other Person having a lawful interest, or if appearance has been made, but the time for lodging defences has expired without defences being lodged, the Summons may be enrolled before one of the Lords Ordinary in the Outer-house, who shall order intimation as hereinafter provided; and if appearance be made at the said calling, the Defender or such Person shall lodge Defences (if he any has) agreeably to the existing practice; and if the Summons be called at any of the box-days during the vacation, the Defender shall lodge Defences thereto (if he any has) on or before the Third sederunt day of the ensuing Session.

111.
Debtor to lodge a Condescendence of his Lands, and to produce Titles; and intimation to be made as for the first Term.

And be it Enacted, That on the expiration of the time for lodging defences as aforesaid, the Summons may be enrolled with or without defences before the Lord Ordinary, who, if defences be lodged, shall hear Parties thereon, and if no cause be shown to the contrary, or if no defences have been lodged, he shall appoint the Defender to lodge within a limited time a Condescendence of his whole heritable estates, and to produce the title-deeds, leases, missives of lease, rentals and other documents relative to the said estates; and he shall grant diligence to the Debtor or Creditor Pursuer thereof or other Party having interest to recover the same, and also (if necessary) to recover evidence of the Debtor's Notour Bankruptcy; and the Lord

Ordinary shall at the same time appoint the Pursuer to publish an intimation in the Minute-book of the Court of Session, on the walls of that Court, and in the *Edinburgh* Gazette, and that the said Summons of ranking and sale has been raised, and requiring the Creditors to lodge with the Clerk to the Process their claims, grounds of debt and oaths of verity on or before a certain day, for the first term, being not less than Ten Days after the expiration of the said Month, with certification as in an action of reduction-improbation; and it shall not be necessary to extract this Order, nor shall any fees be paid as if the same were extracted.

112.
Separate Actions of Adjudication and Constitution not to be raised after the first intimation.

And be it Enacted, That after the day of publication of the first notice or term in the said Gazette, it shall not be competent for any Creditor to raise or insist in any Summons of Adjudication of the said estates, or any Action of Constitution with a view to claiming thereon, reserving right to such Creditor to lodge a claim in the action of ranking and sale in manner hereinafter provided for his debt, and for any expenses which may be due to him in respect of any Summons of Adjudication or Constitution which he may previously to the notice have raised, and proceedings consequent thereon, reserving also all objections to the debt; and this rule shall apply to all actions of ranking and sale, whether raised at the instance of the Debtor himself, or of an apparent Heir or of a Creditor.

113.
Requisites to entitle a Creditor to appear and be conjoined.

And be it Enacted, That at any time after the calling of the Summons and before decree of reduction *contra non producta* shall be pronounced as hereinafter provided, but not thereafter (subject always to the provision hereinafter made), any Creditor of the Debtor or the Trustee on his sequestrated estate may lodge with the Clerk to the Process a Claim, setting forth the nature of his debt, the amount thereof, and the grounds on which it is founded, and he shall therewith produce the written evidence of his debt (if he any has) and an oath of verity, sworn before the Judge Ordinary of his domicile, or before a Justice of the Peace, or before a Commissioner of Bankruptcy, or before a Magistrate or other Officer duly authorized to administer oaths in *England* or in any other country, declaring that in the case of the said Trustee it shall be sufficient to lodge an Extract of the act and warrant of his confirmation, and a Claim for the amount of the debts ranked in the sequestration; and if there be no cause to the contrary, every such Creditor or Trustee shall be conjoined as a Pursuer of the Action; and where such claim has been duly lodged it shall have the same effect as if the Creditor had raised and executed a Summons of Constitution against the Debtor or his apparent Heir, and shall interrupt prescription.

Compearance to be equivalent to an Action of Constitution.

114. Second Intimation as for second Term, and Notice of Election of common Agent to be published.

And be it Enacted, That on expiration of Ten Days after the first term, the Pursuer, or any Creditor who may have duly lodged his claim, grounds of debt and oath of verity, may enrol the Action before the said Lord Ordinary, who shall thereupon appoint the person by whom the Action has been enrolled, to publish, as for the second term, in an Action of Reduction-Improbation, an intimation in the Minute-book of the Court of Session, and on the walls of the said Court, and in the *Edinburgh* Gazette, requiring all concerned to lodge their claims, grounds of debt and oaths of verity, with certification that Decree of Reduction *contra non producta* shall be pronounced on a certain day, being not sooner than Three Weeks, and not longer than One Month, after the date of the said intimation in the Gazette, and that all those who shall not have produced their claims, grounds of debt and oaths of verity on or before that day, shall be excluded from any share in the division of the price of the subjects; and that on a certain other day and hour, being not less than Eight Days after the said day on which Decree of Certification is to be pronounced, a meeting of those Creditors who shall have lodged claims as aforesaid shall be held at a specified place for the election of a common Agent in the said Action; and it shall not be necessary to extract this Order, nor shall any fees be paid as if the Order were extracted.

115. Decree of Reduction-Improbation contra non producta.

And be it Enacted, That on the day appointed, or so soon thereafter as conveniently may be, the Lord Ordinary shall pronounce Decree of Reduction-Improbation *contra non producta*; and it shall not be necessary to extract the said decree, nor shall any fees be paid as if the same were extracted, unless the same be actually extracted; provided that it shall be competent for any Creditor on producing a Claim, with his grounds of debt and oath of verity, in manner above provided, to present a note to the Lord Ordinary, within Twenty-one Days after the date of the said decree, praying to be reponed against the same; and it shall be lawful for the Lord Ordinary, on cause shown and on payment of such expenses as he shall see fit, to repone the said Creditor against the said decree; but declaring that the Creditor so reponed shall not be entitled to make any objection to the regularity of the election of the common Agent, reserving right to him to complain of the conduct of such Agent as accords of law.

Lord Ordinary may repone.

116. Proceedings relative to election of common Agent.

And be it Enacted, That at the time appointed by the Lord Ordinary, the Creditors who shall previously to the pronouncing of the Decree of Reduction *contra non producta* have duly lodged their claims, grounds of debt and oaths of verity, or their mandatories authorized in writing, shall assemble at the place appointed as aforesaid, and shall proceed to elect a fit and competent Person to act as common Agent in the

Action; and the Person who shall have the majority of the votes of the Creditors in value present by themselves or mandatories, shall be common Agent; provided that his election shall be confirmed by the Lord Ordinary, who shall administer to him the oath *de fideli administratione.*

117. Powers of Lord Ordinary to be the same as Inner-house, subject to review.

And be it Enacted, That the Lord Ordinary, before whom any Action of Ranking and Sale shall be enrolled, whether the same has been raised on or after the said First day of October, shall have the same powers which are by law competent to and possessed by the Inner-house of the Court of Session, in relation to the sale of the estates, and also to the sequestration thereof, and the appointment of a factor thereon; provided that any interlocutor or decree pronounced by the Lord Ordinary shall be subject to the review of the Inner-house.

118. Proof of value with a view to sale.

And be it Enacted, That after the common Agent shall have been elected and confirmed, he shall for the purpose of fixing the upset price and furnishing information to intending purchasers, prepare a State of the titles and the holdings of the subjects, and of the amount of the burdens thereon, and of the rental or annual value thereof, and of the duration of the leases; and if the titles, leases, rentals and other documents recovered or produced in process shall not afford sufficient information, the Lord Ordinary shall, on the motion of the common Agent, grant diligence to cite Witnesses, and commission to the Sheriff of the shire in which the subjects or greater part thereof are situated, or to some other fit Person to take the necessary evidence; and after the diligence and commission are reported, the common Agent shall complete the said State, and shall thereupon apply to the Lord Ordinary to remit to any Two qualified Persons to report as to the value of, or the price to be put on, the said estates, which remit the Lord Ordinary shall grant accordingly; and on the Report being made, the Lord Ordinary shall, on the motion of any Person having interest, hear all objections to the said State and Report, and either confirm or alter the same as to him shall seem just: Provided, That it shall not be competent to make up any prepared State or Memorial and Abstract (except as before provided) in regard to the value of the said estates and other matters relating thereto as has hitherto been the practice.

Prepared State and Memorial and Abstract dispensed with.

119. Upset Price to be fixed. Articles of Roup to be settled, and estates sold.

And be it Enacted, That on such State and Report being finally approved of, the Lord Ordinary shall (whether the ranking of the Creditors be concluded or not), unless cause be shown to the contrary, appoint the said estates to be exposed for sale by public roup, at such time and place as shall be most beneficial for all concerned; and for that purpose he shall fix the upset price either of the whole estates in one lot or in separate lots as may be most expedient, and direct articles of roup thereof to be framed by the common Agent; and if the sale is to take place elsewhere than in *Edinburgh*, he shall appoint the same to take place in presence of the Sheriff of the shire where the subjects or great part thereof lie, as Judge of the roup; and if the sale is to take place in *Edinburgh*, he shall appoint it to be made in presence of One of the Principal Clerks of Session as Judge of the roup; and shall remit to the said Sheriff or to the said Principal Clerk (as the case may be) to settle along with the common Agent the terms of the articles and minutes of roup, who shall do so accordingly, and the articles and minutes shall thereupon be subscribed by the common Agent for behoof of all concerned; and the Lord Ordinary shall direct the sale to be intimated in the Minute-book of the Court of Session, and in the *Edinburgh* Gazette, and it shall not hereafter be lawful to pronounce any other Warrant of Publication than the order above specified, nor to extract or give out Letters of publication, nor to follow out the forms of publication and citation required in processes of Judicial Sale by certain Acts passed in the Parliament of *Scotland* in the years One thousand six hundred and eighty-one, and One thousand six hundred and ninety-five, nor for the Lord Ordinary on the Bills or any other Lord Ordinary to preside at such sale, nor to extract the said order, nor shall any fees be paid in respect thereof.

Sale to be advertised.

120.
Decree of Sale to be pronounced.

And be it Enacted, That the said estates shall as hereinbefore provided be exposed to sale, and if they are not sold at the upset price, the Lord Ordinary may lower the same until the estates be sold; and on the same being sold, the Lord Ordinary shall pronounce a Decree of Sale in favour of the Purchaser, which shall have the same effect as if it were pronounced by the Inner-house of the Court of Session, and operate as an irredeemable Decree of Adjudication in favour of the Purchaser, and disencumber the said estates of all securities contracted or granted by the Debtor, his authors or predecessors thereon, and operate as an assignation of the securities in so far as they can apply to or affect the estates sold, and as a discharge to the Debtor of such debts, to the extent of the share of the price received by each of the Creditors respectively, reserving their rights thereto *quoad ultra* as accords of law, in so far as relates to the Debtor; and the Creditors shall be bound to warrant the validity of such debts to the extent of the shares of the price received by them respectively and titles thereto, but not the validity of the Debtor's titles; and the Lord Ordinary shall grant Warrant to charge Superiors to enter and infeft the Purchaser; and the title of the Purchaser may thereupon be made up by Charter and Sasine in common form.

121.
Payment and Consignation by the Purchaser.

And be it Enacted, That in every case where such estates have been sold, it shall be lawful to the Purchaser, at the term of payment of the price, or at any term of Whitsunday or Martinmas thereafter, on giving Three Weeks notice thereof to the common Agent, to lodge the price, with the interest then due upon it, in any of the chartered Banks in *Edinburgh*, at such rate of interest as can be procured for it, on a receipt in name of the common Agent, for behoof of all concerned; and on lodging such receipt in the hands of the Clerk of the Process, the Purchaser shall be discharged of the price and interest thereon; and it shall not be competent for the Purchaser to make consignation in the terms required by the said last mentioned Acts of the Parliament of *Scotland*; but nothing herein contained shall entitle the Purchaser to retain possession of the price beyond the term of payment.

122. Omitted Subjects: to be sold in manner herein provided.

And be it Enacted, That where any of the Debtor's heritable estates has been omitted to be included in the said Summons or the Condescendence, it shall not be competent thereupon to ground any objection to the proceedings: Provided always, That it shall be competent for any one, having a lawful interest, to lodge, at any time before the final close of the process, a Condescendence, setting forth the subjects which have been omitted; and the Lord Ordinary shall, unless lawful cause be shown to the contrary, appoint the said subjects to be sold, and the price divided in the same way as if such omitted subjects had been enumerated in the Summons or the Condescendence.

123. No Duties to be exigible on Advertisements in the Gazette or sales.

And be it Enacted, That no duties or notices or advertisements inserted in the *Edinburgh* Gazette, as provided by this Act (except those under powers of sale, as hereinafter provided) shall be exigible in respect of any stamp duty, or other Government duty whatsoever; and no rates or duties imposed by any Statutes upon the sale of estates by auction shall be exigible on the sale of any estates by virtue of this Act.

124. Decree of Sale to be equivalent to Decree of Adjudication in favour of Creditors.

And be it Enacted, That the Decree of Sale shall, in all questions of ranking among the Creditors, have the effect of a first effectual Decree of Adjudication in favour of all the Creditors included in the Decree of Division; and shall operate in favour of the Creditors of the ancestor who have claimed and been conjoined in the process of ranking and sale, as if such Creditors had adjudged separately.

125. Creditors to be ranked according to their respective rights.

Not necessary to extract Decree of Ranking.

And be it Enacted, That, after the common Agent has been confirmed, he shall (whether the subjects have been sold or not) frame a State of the respective rights of the Creditors, with a view to the ranking of them in the manner which has been hitherto practised; and the Lord Ordinary shall hear parties thereon, and pronounce such judgment in relation thereto as shall be just, and also a Decree of Ranking; and it shall not be necessary to extract such Decree of Ranking, nor shall any fees be paid in respect thereof, as if it were extracted.

126. Securities to be deducted.

And be it Enacted, That in all questions of ranking, if any Creditor hold a Security for payment of his debt, upon any part of the

Debtor's estate or effects, not included in the Decree of Sale, he shall deduct from his debt the amount or value of such Security, and he shall only be ranked for the balance after such deduction, and receive payment accordingly: Provided always, That he shall in no event draw more than full payment.

127.
Price to be divided among the Creditors, and not necessary to extract Decree.

And be it Enacted, That after the Decree of Ranking of the Creditors has been pronounced, the Lord Ordinary shall direct such proceedings to be taken as may be necessary for dividing the price of the subjects among the Creditors, who have claimed and been admitted in the process according to their respective rights, and shall thereafter pronounce Decree of Division; and it shall be competent for the Lord Ordinary to grant Interim Decree and Warrant for payment, in favour of any Creditor who may be lawfully entitled to such Decree, subject always to the review of the Inner-house; and it shall not be requisite to extract any of the said Decrees, nor shall any fees be paid in respect of such Extract, as if they were extracted: Provided, That the Party paying, in terms of the said Warrant, shall be discharged, as if the said Decrees had been extracted.

128.
Sheriff authorized to sell Lands and others of the value of One thousand five hundred Pounds, or One hundred Pounds per year, and divide the price.

And be it Enacted, That where the value of any heritable estates belonging either to one Person or to more Persons jointly, does not exceed the value of One thousand five hundred Pounds, or in cases where the rents do not exceed the sum of One hundred Pounds yearly, it shall be competent for the Sheriff of the shire in which the said estates or greater part thereof are situated, to exercise jurisdiction in any Action which may be raised before him at the instance either of the said Person or Persons, or if he or they be Notour Bankrupt at the instance of any heritable Creditor, whether infeft and in possession or not, or of any personal Creditor where the debt of such personal Creditor, being neither future nor contingent, shall amount to the sum of One hundred Pounds for the sale of such subjects, and to divide the price thereof among the Creditors of such Person or Persons as in a process of multiplepoinding; and the Sheriff shall grant warrant to cite the Debtor and the heritable Creditors (as the case may be) to appear within such time, being not longer than Three Weeks after the date of service; and to publish a notice in the *Edinburgh* Gazette, calling on all concerned to appear and show cause why the prayer should not be granted; and on expiration of the said period the Sheriff shall, if required, ascertain the value of the estates, both with reference to the question of competency of the Action, and the Notour Bankruptcy of the Debtor, and to the sale of the lands and others; and direct a common Agent to be chosen, and appoint the time and place of sale, and fix the upset price, and superintend the sale, and pronounce decree of sale in favour of the Purchaser, and divide the price among the Creditors according to their several rights, subject always to the review of the Court of Session, all in the way which shall be fixed by an Act of Sederunt to be made by the Court, and which Act they are hereby required to make, and copies thereof shall forthwith be transmitted to the Secretary of State for the Home Department to be laid before both Houses of Parliament; and although the said estates when exposed to sale shall produce a larger price than the said sum of One thousand five hundred Pounds, or a greater annual value than a rental of One hundred Pounds yearly, it shall not be competent to object to the validity of the sale on the ground that the value of the said estates truly exceeded the sum of One thousand five hundred Pounds or One hundred Pounds yearly; and the Sheriff-Clerk and Messengers-at-Arms and Sheriff-Officers shall possess full power and authority to act in their respective offices in relation to such Actions, and where any Person whom it is necessary to cite is domiciled within the territory of another Sheriff, he may be lawfully cited in virtue of the said warrant indorsed by such other Sheriff.

Act of Sederunt to be made.

129.
POWERS OF SALE.
Creditors holding Powers of Sale entitled to execute them after the Bankruptcy or Death of the Debtor.

AND whereas it is expedient to regulate the law as to the exercise of Powers of Sale contained in heritable securities; BE it therefore Enacted, That on and after the said First day of October, any Creditor who is infeft in heritable estates, by virtue of any deed competent to constitute a real burden on heritable estates, containing a power to sell the same in payment of debt, may lawfully carry such power into execution, notwithstanding the Bankruptcy or Death of the Debtor, granter of the deed, and notwithstanding the minority of the Heir of the Debtor and the currency of the *annus deliberandi*; provided that due notification be made to the Debtor, and in case of his death to his heir, and that all the stipulations and conditions specified in the deed be complied with; and if the Heir be minor or not known, the Person who is desirous to exercise the power shall obtain the authority of the Lord Ordinary on the Bills, or the Sheriff, as hereinafter provided.

130.
Creditor may apply to the Lord Ordinary on the Bills, or Sheriff, to grant authority to sell.

And be it Enacted, That any Creditor who is infeft in heritable estates by virtue of any deed in security of debt, containing a Power of Sale (whether there be other debts heritably secured thereon, and whether the same be prior or posterior or not to the Petitioning Creditor's debts), may apply by summary Petition to the Lord Ordinary on the Bills, or to the Sheriff of the shire where such estates or the greater part thereof are situated, for a Warrant to sell them, in terms of the said deed, or in such other terms as to the said Lord Ordinary or the Sheriff (as the case may be) shall appear beneficial for all concerned; and thereafter to divide the price among all the Creditors duly infeft in such estates according to their respective rights.

131.
Proceeding with a view to Sale.

And be it Enacted, That on the Petition being in terms of law notified to the Debtor, or in case of his death to his Heir, and if the Heir be in minority to his Tutors and Curators (if he any has), and to any Creditors of the Debtor who are infeft in security of debt, the said Lord Ordinary or the Sheriff (as the case may be) shall, if no cause be shown to the contrary, grant such Warrant; and the said Lord Ordinary or the Sheriff (as the case may be) shall direct the sale to be advertised in terms of the said deed, or in such other terms as shall appear to be beneficial for all concerned; and appoint articles of roup to be prepared and settled, and a fit Person to act as Judge of the roup, and fix the price at which the estates shall be offered for sale; and where the Person against whom the said Petition is presented to the Sheriff is domiciled within the territory of another Sheriff, it shall be lawful for such other Sheriff to indorse the Warrant of Service; and on the Warrant so indorsed being executed in terms of law, it shall be as effectual to compel the Person on whom it has been served to appear before the Sheriff by whom the Warrant has been issued as if he were domiciled within the territory of such last-mentioned Sheriff, which several Warrants may be executed by Messengers-at-Arms.

132.
Subjects to be sold, and Decree of Sale pronounced.

And be it Enacted, That the estates shall be exposed to sale as above provided; and if they are not sold at the upset price, the Lord Ordinary on the Bills or the Sheriff (as the case may be) may lower the price until they be sold; and on being sold the Lord Ordinary on the Bills or the Sheriff (as the case may be) shall pronounce a Decree of Sale in favour of the Purchaser, which decree shall have the same effect as an irredeemable Decree of Adjudication in favour of the Purchaser, and disencumber the estates of all heritable securities thereon, and operate as an assignation thereof in so far as the same can apply to or affect the estates contained in the Decree of Sale, and as a discharge to the Debtor of the debts to the extent of the shares of the price paid to the respective Creditors, reserving their rights thereto in so far as relates to the Debtor *quoad ultra* as accords of law; and the Creditors shall be bound to warrant their debts to that extent and their titles thereto, but not the validity of the Debtor's titles; and the Lord Ordinary on the Bills or the Sheriff (as the case may be) shall grant Warrant, if necessary, to charge Superiors to receive and enter the Purchaser as Vassal.

133.
Payment and Consignation by the Purchaser.

And be it Enacted, That the Purchaser may at the specified term of payment of the price, or at any subsequent term of Whitsunday or Martinmas, on Three Weeks notice to the Creditor at whose instance the sale has taken place, lodge the price with the interest then due upon it in any of the chartered Banks in *Edinburgh*, or in any of the branches thereof, at such rate of interest as can be procured for the same on a receipt in name of the Clerk of Court, subject to the orders of the Judge for behoof of all concerned; and on lodging the receipt in the hands of the Clerk the Purchaser shall, if no cause be shown to the contrary, be discharged of the price and interest thereon: Provided, That nothing herein contained shall entitle the Purchaser to retain the price beyond the term of payment; and it shall be competent to any Creditor duly infeft in the said subjects to apply by Petition to the said Lord Ordinary or the Sheriff (as the case may be) to compel the Purchaser to lodge the price and interest thereof at the term of payment in one or other of the said Banks.

134.
Requisites to entitle a Creditor to be conjoined in the Proceedings for Sale.

And be it Enacted, That after such Petition has been presented to the Lord Ordinary on the Bills or to the Sheriff (as the case may be), any Creditor infeft in the estates in security of debt with a power of sale, or the Trustee on the sequestrated estate of the Debtor, may compear and be conjoined as a joint Petitioner, and such Compearer may insist in the same although the Creditor by whom it was presented shall die or desert the same: Provided, That such Creditor or Trustee shall lodge with the Clerk to the process a Claim setting forth the nature of his debt and the amount thereof, and therewith produce the Bond or other Deed, with the relative instrument of Sasine, in virtue of which such debt has been constituted a burden on the said estates, or the act of sequestration or authentic extracts thereof.

135.
Proceedings for Ranking and Division in Court of Session.

And be it Enacted, That where the Petition has been presented to the Lord Ordinary on the Bills, and the estates have been sold, and Decree of Sale pronounced, the Petition shall be enrolled before one of the Lords Ordinary in the Outer-house of the Court of Session, with a view to the ranking of the Creditors, and the division of the price among them, according to their respective rights and interests; and the further proceedings shall take place as in a process of multiplepoinding.

136.
Proceedings for Ranking and Division before the Sheriff.

And be it Enacted, That where the Petition has been presented to the Sheriff, and the estates have been sold as aforesaid, the further proceedings, with a view to the ranking of the Creditors, and the division of the price, shall take place as in a process of multiplepoinding.

137.
Interlocutors and Decrees subject to review.

And be it Enacted, That the Interlocutors and Decrees pronounced by the Lord Ordinary on the Bills, or the Lord Ordinary in the Outerhouse, or the Sheriff, shall be subject to review, in the same way as interlocutors and decrees pronounced by them in other cases are by law subject to review.

138.
This Act not to affect Rights of Creditors to sell in terms of their powers.

And be it Enacted, That nothing herein contained shall affect the right of any heritable Creditor holding a Power of Sale, to bring the estate to sale in manner mentioned in the deed containing the power; provided that if there be prior heritable Creditors who do not consent to the sale, the estate shall be sold under burden of the debts and interest due to such Creditors; and where there are postponed heritable Creditors who do not consent to the sale, the proposal of sale shall be intimated to them by a Notary Public; and any postponed Creditor, on paying the debt, interest and expenses to the prior Creditor proposing to sell, shall be entitled to an assignation thereto; and such payment shall be effectual to prevent the sale.

139.
Creditors entitled to purchase.

And be it Enacted, That where any estates, heritable or moveable, are exposed to sale under the authority of the Lord Ordinary or the Sheriff, by virtue of this Act, it shall be lawful for any Creditor, whether the sale be at his instance or not, to become the Purchaser.

140.
POINDINGS OF THE GROUND.
Competent for Superiors and real Creditors to apply by Summary Petition to the Sheriff for Warrant to Poind the Ground in payment of Feu-duties, Annual Rents, and Interest.

AND whereas it is expedient to regulate the diligence of Poinding of the Ground; BE it therefore Enacted, That on and after the said First day of October, any Superior and any Person infeft in any heritable estates in security of an annual rent, or of a debt and interest thereof, or who is vested in any *debitum fundi* or real debt, may apply to the Sheriff of the county in which the heritable estates or the greater part thereof are situated, by Petition, for Warrant of Service on the Debtor, and (if he shall be a different Person) on the Proprietor or Life-renter, and on the tenants or possessors, requiring them to lodge answers within Fifteen Days from the date of service; and also for Warrant to poind and sell, in manner hereinafter provided, the moveable effects which are then or may thereafter be on the ground thereof, in payment of the duties, annual rents and interest payable to the Superior or other Person as aforesaid, and arrears thereof for One Year prior to the date of the said Petition, (but in so far as regards the tenants, to the extent only of the rents which may be due by them respectively); which Warrant of Service the Sheriff shall forthwith grant to Messengers-at-Arms and Officers of Court, and on expiration of the said Fifteen Days, he shall also, if no cause be shown to the contrary, grant Warrant as aforesaid to poind in terms of the prayer of such Petition.

Sheriff to grant Warrant.

141.
Warrants to be effectual although part of Subjects or Debts be within another territory, if duly indorsed.

And be it Enacted, That such Warrants shall be effectual although part of the estates be situated within the territory of another Sheriff, and although the Debtor be domiciled within that territory, provided that the Warrants be indorsed by the Sheriff within whose territory the goods to be poinded are situated, or the Debtor is domiciled.

142.
Not competent to Poind Ground for

And be it Enacted, That on and after the said First day of October it shall not be competent to poind the ground in respect of the principal debt itself, either by virtue of the said Warrant, or Letters of Poinding the Ground, but it shall be competent to do so only for the duties, annual rents, interest and arrears thereof as aforesaid, agreeably to the law heretofore existing as to the diligence of Poinding of the Ground.

principal Debt.

143.
Poinded Goods to be valued.

And be it Enacted, That where any Officer of the law shall execute a Poinding in virtue of Letters of Poinding of the Ground, or any other Warrant of Poinding of the Ground, he shall cause the poinded goods to be valued by Two Valuators, and one valuation shall in every case be sufficient.

144.
Effects to be left with, and Schedule given to the Possessor.

And be it Enacted, That the said Officer shall leave the poinded effects with the Person in whose possession they were when poinded, and he shall deliver to the Possessor a Schedule specifying the poinded effects, and the Creditor at whose instance they were poinded, and the value thereof.

145.
Officer to report Poinding within Eight Days.

And be it Enacted, That the said Officer shall, within Eight Days after the day on which the Poinding was executed, (unless cause shall be shown why the same could not be done within the period of Eight Days) report the execution thereof to the Sheriff, granter of the original Warrant; in which Execution he shall specify the circumstances connected with the Poinding, and particularly the name and designation of the Creditor at whose instance they were poinded, the effects poinded, the value thereof, the names and designations of the Valuators, the Person in whose hands the effects were left, and the delivery of the Schedule as aforesaid; which Execution shall be subscribed by him and the Two Valuators, who shall also be witnesses to the poinding without the necessity of any other witnesses.

146.
CLAUSE (B.)
Sale advertised and Notice to the Debtor.

And be it Enacted, That on the Execution being reported, the Sheriff shall, if necessary, give orders for the security of the effects, and if they be of a perishable nature, for the immediate disposal thereof, under such precautions as to him shall seem fit, and if not so disposed of, and if no cause be shown to the contrary, he shall, if required, grant Warrant to sell them by public roup, at such time and at such place, and to publish such notice of the sale and offer them at such upset price, and at the sight of such person as Judge of the roup, with power to such person to diminish the upset price to a certain extent, in the event of the upset price not being offered, as may appear to the Sheriff most expedient for all concerned: Provided, That, excepting in the case of perishable effects, the sale shall not take place sooner than Eight Days nor at a longer period than Twenty Days after the date of the notice of sale to the Debtor, and the Sheriff shall order a copy of the Warrant of sale to be served on the Debtor, and on the possessor of the poinded effects, if he be a different person from the Debtor.

147. Effects to be sold or delivered to Poinding Creditor.

And be it Enacted, That the poinded effects shall be offered for sale, and sold as ordered; but if no Offerer appear, the effects, or such part as shall satisfy the debt, interest and expenses due to the Poinding Creditor, shall be delivered by the Judge of the roup to the Poinding Creditor, or to his authorized Agent.

148. Report and price to be lodged.

And be it Enacted, That on the effects being sold, or delivered as aforesaid, the Judge of the roup shall, within Eight Days after the date of the sale, make a Report to the Sheriff of such sale or delivery; and if the effects shall have been sold, he shall also, within the said space of Eight Days, lodge with the Sheriff-Clerk the Roup-rolls, or certified copies thereof, and an account of the sum arising from, and of the expenses of the sale; which sum he shall, within Eight Days, lodge in the hands of the Sheriff-Clerk; and the said sum, after deduction of lawful charges, shall, if no lawful cause be shown to the contrary, be ordered by the Sheriff to be paid to the Poinding Creditor (provided the amount does not exceed the amount of the debt, interest and expenses); and the report and relative documents, when lodged, shall be patent to all concerned, on payment of a fee of One Shilling only.

149. Creditor entitled to purchase.

And be it Enacted, That where any effects are exposed to sale as aforesaid, it shall be lawful for any Creditor to purchase the same.

150. Unlawful Intromitter liable to Imprisonment or Double the appraised value.

And be it Enacted, That if any Person shall unlawfully intromit with, or carry off the poinded effects to disappoint the Poinding, he shall be liable, on complaint to the Sheriff of the county where the effects were poinded, or where he is domiciled to be imprisoned till he restore the effects, or he shall be liable in Double the appraised value, which may be recovered by a Petition to such Sheriff, or by an ordinary action before the Court of Session, at the instance of the Poinder.

151. Poinder of the Ground to be preferred, if Warrant of Service executed prior to certain dates.

And be it Enacted, that on and after the said First day of October, in all competitions of Poindings of the Ground, the real right of the person Poinding the Ground shall be held to have taken effect at the date of the execution of the said Warrant of Service; and where such Warrant of Service has been executed, prior to the date of the execution of service granted in another petition for Poinding the Ground, or prior to the execution of Letters of Poinding the Ground, or to the execution of a Writ of Extent, or to the execution of an Arrestment or Poinding, or to the date of the completion of an Assignation, or to the date of the first Deliverance in a sequestration of the estates of the Debtor, then the Person whose Warrant of Service has been first executed as aforesaid shall be preferred.

152. Act not to affect jurisdiction of the

And be it Enacted, That nothing herein contained in regard to Poindings of the Ground shall affect the jurisdiction of the Court of Session;

or the Landlord's right of hypothec for rents, or any other hypothec known in law, in so far as the same may be preferable to such Poinding; nor the rules relative to Poindings of the Ground, in the case of Sequestration being awarded in terms of an Act passed in the present Session of Parliament, intituled, "An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*."

Court of Session; Landlord's Hypothec; or Rules where Sequestration is awarded.

153. CLAUSE (C.) Agents in Court of Session may be Agents in Causes under this Act before the Sheriff.

And be it Enacted, That it shall be lawful for all Agents duly qualified to practise as such before the Court of Session, to practise as Agents in all Sheriff Courts in so far as relates to any of the proceedings formerly exclusively competent in the Court of Session, and which are authorized by this Act to be carried on before the Sheriff: Provided always, That they shall not be entitled to payment of any other or higher fees than those allowed by this Act, or legally exigible by other Agents before such Courts.

154. CLAUSE (D.) Deliverance, &c. may be partlyprinted, and One Witness sufficient.

And be it Enacted, That all Deliverances, Schedules and Executions may be either printed or in writing, or partly both, and that more than One Witness shall not be required for service or execution.

155. Act may be repealed, &c.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts passed during the present Session.

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

No. 1.

DENUNCIATION OF INSOLVENCY.

I, *A. B.* [Messenger, *or*, Sheriff-Officer] notify to you, *C. D.* [*name and designation*], that you having disobeyed the Charge given to you [personally, *or*, at your dwelling-place, *or*, at the office of Citations, *as the case may be*] by [*name the Messenger or Officer by whom it was given*], on the day of to pay to *E. F.* [*name and designation*], the sum [*the sum for which the Charge was given*], by virtue of [*description of diligence*], dated the day of Therefore I do hereby denounce you insolvent, in terms of the Statute thereanent. This I do on the day of before the witness, [*name and designation of One witness*].

Witness (signed) *A. B.*

No. 2.

EXECUTION OF DENUNCIATION.

UPON the day of I, *A. B.* [Messenger-at-Arms, *or* Sheriff-Officer], notified to *C. D.* [*name and designation*], that he having disobeyed the Charge given to him by [*name the Messenger or Officer*] on the day of , to pay to *E. F.* [*name and designation*], the sum [*sum for which the Charge was given*], by virtue of [*description of diligence*], dated the day of Therefore I denounced the said *C. D.* insolvent in terms of the Statute thereanent, by delivering to him a Denunciation [*mention whether personally or at the dwelling-house or place of business, or at the office of Citation, as the case may be*], and which Denunciation was subscribed by me, and did bear the date hereof, with the name and designation of the witness [*mention name and designation*] hereto with me subscribing, present at the premises.

G. H., Witness. *A. B.*

No. 3.

CERTIFICATE OF REGISTRATION OF DENUNCIATION.

THE above Execution of Denunciation was presented by [*name and designation*] and registered day of

A. B.

No. 4.

WARRANT TO BE SUBJOINED TO EXTRACTS IN THE COURT OF SESSION.

AND the said Lords grant Warrant to Messengers-at-Arms, in His Majesty's name and authority, to charge the said *A.* personally, or at his dwelling-place, if within *Scotland*, and if furth thereof, by delivering a copy of Charge at the Record Office of the Keeper of the Records of the Court of Session, [*state what the party is decerned to do; if to pay money, specify the sum, interest and expenses; or if to fulfil an obligation, specify it as in the Decree or other document,*] and that to the said *B.* [*the name and designation of the Person in whose favour the Decree is pronounced*] within [*insert the appropriate days*] next after he is charged to that effect, [*if the sum or any part thereof be payable at a future time, add here,* "the terms of payment being always first come and bygone;"] and also in payment and satisfaction of the said sum, interest and expenses, grant Warrant to arrest the said *A.*'s readiest goods, gear, debt and sums of money; and if the said *A.* fail to obey the said charge, then to apprize, poind and distrain all the said *A.*'s readiest goods, gear, and other effects; and also to search for, take and apprehend the Person of the said *A.*; and being so apprehended to put him in sure ward, firmance and captivity within a tolbooth or other warding place, therein to remain aye and until he fulfil the said charge; and grant Warrant to Magistrates and Keepers there to receive and detain him therein accordingly; and if needful for effecting the said poinding or apprehension, grant Warrant to open all shut places in form as effeirs. Extracted [*specify place and date.*]

[*Extractor's signature.*]

No. 5.

CERTIFICATE OF REGISTRATION OF EXECUTION OF CHARGE.

PRESENTED and registered in the General Register of Hornings on the day of .

[*Keeper's signature.*]

No. 6.

MINUTE IN THE BILL CHAMBER FOR WARRANT TO IMPRISON.

[*Place and Date.*]

THE Charge being expired and registered, as per Execution and Certificate produced, Warrant to imprison is craved.

(signed) *A. B., W. S.*

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 7.

MINUTE BY ASSIGNEE, &c.

[*Place and Date.*]

WARRANT is craved [*state what is prayed for*] at the instance of [*name and designation of the applicant*] as [assignee, *or otherwise, as the case may be,*] of [*name and designation of the Person at whose instance the Extract was issued*], produced herewith [*assignation or confirmation, or other legal evidence of the acquired right, as the case may be*], dated the day of [and (*if for imprisonment*) also Execution of expired Charge and Certificate of Registration]. (signed) *A. B.*

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 8.

WARRANT TO BE SUBJOINED TO SHERIFF COURT EXTRACTS.

AND I, the said Sheriff, grant Warrant to Messengers-at-Arms and Officers of Court to charge the said *A.* personally, or at his dwelling-place [*state what the party is decerned to do, if to pay money specify the sum, interest and expenses, or if to fulfil an obligation*

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obligation state the nature of it, as in the Decree or other document], and that to the said *B.* [*name and designation of the Person in whose favour the Decree is pronounced*], within [*insert the appropriate days*] next, after he is charged to that effect [*if the sum or document or any part be payable at a future time, add here,* "the terms of payment being first come and bygone"]; and also grant Warrant in satisfaction of the said sum, interest and expenses to arrest the said *A.*'s readiest goods, debts and sums of money; and if the said *A.* fail to obey the said Charge, then to apprize, poind and distrain all the said *A.*'s readiest goods, gear and other effects; and also to search for, take and apprehend the Person of the said *A.*; and being so apprehended to put him in sure ward, firmance and captivity within a tolbooth or other warding place, therein to remain aye and until he fulfil the said Charge; and grant Warrant to Magistrates and Keepers thereof to receive and detain him therein accordingly; and if needful for effecting the said poinding or apprehension, grant Warrant to open all shut places in form as effeirs. Extracted, &c.

[*Extractor's signature.*]

No. 9.

CERTIFICATE OF REGISTRATION OF EXECUTION OF CHARGE IN SHERIFF COURT.

PRESENTED by *A. B.* [*designation*] and registered in the particular Register of Hornings for the Shire of   on the
day of

[*Keeper or Clerk's signature.*]

No. 10.

MINUTE IN SHERIFF COURT FOR WARRANT TO IMPRISON.

[*Place and Date.*]

THE Charge being expired and registered, as per Execution and Certificate produced, Warrant to imprison is craved.

(signed) *A. B.*

[*The Clerk will subjoin*]

Fiat ut petitur.

[*Dated and signed by the Clerk.*]

No. 11.

MINUTE IN SHERIFF COURT BY ASSIGNEE, &c.

[*Place and Date.*]

WARRANT is craved [*state what is prayed for*] at the instance of [*name and designation of the applicant,*] as [assignee, *or otherwise, as the case may be*] of [*name and designation of the Person at whose instance the Extract was issued, and in whose right the applicant is,*] produced herewith, [*assignation or confirmation, or other legal evidence of the acquired right, as the case may be,*] dated the day of , [and also Execution of expired Charge and Certificate of registration.]

(signed) *A. B.*

[*The Clerk will subjoin*]
Fiat ut petitur.
[*Dated and signed by the Clerk.*]

No. 12.

MINUTE OF WARRANT OF CONCURRENCE.

[*Place and Date.*]

WARRANT of Concurrence by the Lords of Council and Session is craved at the instance of [*specify name and designation of applicant*] for executing the within Warrant against the within designed [*specify name of debtor or obligant.*] *A. B.*

[*If the application is to a Sheriff, leave out* "Lords of Council and Session," *and say,* Sheriff of [*inserting the shire.*]

[*The Clerk of the Bills or the Sheriff, as the may be, will subjoin*]
Fiat ut petitur.
[*Dated and signed by the Clerk of the Bills, or Sheriff, as the case may be.*]

No. 13.

LETTERS OF INHIBITION.

WILLIAM the Fourth, [*or the King for the time*] by the Grace of God of the United Kingdom of *Great Britain* and *Ireland* King, Defender of the Faith. To Messengers-at-Arms, conjunctly and severally. Whereas it is humbly shown to us by [*insert the name and designation of the party at whose instance the letters are raised*], complainer, against [*insert the name and designation of the party against whom the letters are raised*], That [*set forth the nature of the document of debt or obligation, as, a bill, bond, contract, &c. its general tenor, and*

and particularly the debt or obligation, the date thereof, and if recorded, the date and place of recording; *or, if the letters be raised on the dependence of a summons, state the general nature of it, the Court before which it depends, the conclusions, and the date of execution*], and the said [*insert the name of the party against whom the letters are directed*,] intending, as the complainer is informed, to sell, alienate, burden, resign, renounce, convey or put away his heritable subjects, and to uplift debts heritably secured and due to him, and to contract debts, and do other acts and deeds to the complainer's prejudice, as is alleged : Our will is, That ye, in Our name and authority, inhibit the said [*insert the name of the party against whom the letters are directed*] personally, or at his dwelling-place, if within *Scotland*, and if furth thereof, by delivery of a copy hereof at the Record Office of the Keeper of the Records of the Court of Session, in terms of law, that he in no way sell, alienate, burden, resign, renounce, convey or put away his lands and other heritable subjects or rights, or uplift heritable debts, or contract or take on debts, or grant securities therefor, or do any other act or deed, directly or indirectly, whereby the rights to the said lands and others may be in any way evicted or adjudged from him, or he be denuded thereof, to the prejudice of the complainer; which to do, We hereby commit to you, and each of you, full power. Given under Our Signet, at *Edinburgh*, the day of in the year of Our reign, One thousand eight hundred and

Ex Deliberatione Dom. Con.

No. 14.

WARRANT OF INHIBITION IN A SUMMONS.

AND farther, Our will is, That ye, in Our name and authority, inhibit the said [*insert the name of the Defender*] personally, or at his dwelling-place, if within *Scotland*, and if forth thereof, by delivery of a copy hereof at the Record Office of the Keeper of the Records of the Court of Session, in terms of law, that he in no way sell, alienate, burden, resign, renounce, convey or put away his lands and other heritable subjects or rights, or uplift heritable debts, or contract or take on debts, or grant securities therefor, or do any other act or deed, directly or indirectly, whereby the rights to the said lands and others may be in any way evicted or adjudged from him, or he be denuded thereof, to the prejudice of the Pursuer; which to do, We hereby commit to you, and each of you, full power. Given under Our Signet, at *Edinburgh*, the day of in the year of Our reign, One thousand eight hundred and

No. 15.

CERTIFICATE OF REGISTRATION OF EXECUTION OF INHIBITION.

THESE Letters [*or*, this Summons] and Execution presented by *A. B.* [*designation*], and registered in the [*general or particular Register of Inhibitions, &c. as the case may be*] on the day of

(signed) *A. B.*, Keeper.

No. 16.

ABBREVIATE OF DECREE OF ADJUDICATION.

IN the Action of Adjudication raised at the instance of [*name and design the Pursuer*] against [*name and design the Defender*], and in which compearance was made for [*if a conjoined Creditor be the party applying for the Extract, mention his name and designation, and that he is a conjoined Pursuer*], the Lord as Ordinary, and the Lords of Council and Session by him, on the day of adjudged the Lands and others hereinafter mentioned, belonging to [*name the Defender*] to pertain and belong to [*the Pursuer or the conjoined Creditor, as the case may be*], in payment [*or in security, as the case may be*] of the accumulated sum, as at the date of the Decree, of [*insert the precise sum as accumulated*] *videlicet*, All and whole [*enumerate the lands, &c. as mentioned in the Summons*], subject always to redemption by the said [*Defender*] in terms of law.

Extracted on the day of by me, one of the Extractors of the Court of Session.

[*Signed by the Extractor.*]

No. 17.

CERTIFICATE OF REGISTRATION OF THE ABBREVIATE OF ADJUDICATION.

PRESENTED by *A. B.* [*designation*] and duly recorded on the day of in the volume of the said Register of Abbreviates of Adjudication.

A. D., Keeper.

Bankruptcy (Scotland.)

A

BILL

[AS AMENDED BY THE COMMITTEE]

To amend the Laws of *Scotland* in matters relating to Bankruptcy, Personal Diligence, Arrestments, Poinding of Goods, Inhibitions, Adjudications, Judicial Sales, and Poindings of the Ground.

(Prepared and brought in by
The Lord Advocate, Mr. Attorney-General
and Mr. Robert Steuart.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1836.

217.

15 *March* 1836.—6 Will. IV.

A

BILL

For regulating the Sequestration of the Estates of Bankrupts in Scotland.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled, "An Act for rendering the Payment of Creditors more equal and expeditious in that part of Great Britain called Scotland," which has been continued by several Acts in the reign of his late and of His present Majesty, but is now about to expire, and it is expedient that the same should be repealed (excepting in so far as hereinafter continued), and that provisions be made in place thereof; **BE it therefore Enacted,** by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the day of *One thousand eight hundred and Thirty-six*, the said Act and the Acts continuing the same shall be and the same are hereby Repealed, saving and excepting the effect of the said Act as hereinafter provided.

Preamble: 54 Geo. 3. c. 137.

3, 4, 6, 7, 8 & 10 Geo. 4. 1 Will. 4. 2 Will. 4. c. 35. 4 & 5 Will. 4 c. 74.

1. 54 Geo 3. c. 137, Repealed.

And be it Enacted, That all processes of Sequestration depending at the commencement of this Act shall be continued, and as far as possible proceeded in, and brought to a close under the provisions of the

2. Sequestrations depending, to be proceeded in under this Act, and if they cannot

under 54 Geo. 3. c. 137. sects. 1. 158.

the said recited Act, which Act is hereby continued to the effect of enabling such depending Sequestrations to be proceeded in and closed.

3. Construction and meaning of Words.

And be it Enacted, That the words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills of the Court of Session, whether during session or vacation; that the words "Court of Session" and the words "Inner House" shall mean the Inner House of that Division of the said Court to which the Sequestration is appropriated; that the word County shall be held to include Sheriffdom, Shire and Stewartry, and every Ward, District or Division thereof; that the word "Sheriff" shall include Sheriff Substitute and Stewart and Stewart Substitute; that the words "Sheriff Clerk" shall include Sheriff Clerk Depute, Stewart Clerk and Stewart Clerk Depute; that the word "Estates" shall comprehend every kind of Estate, heritable or moveable, real or personal, wherever situated; that the word "Deliverance" shall mean an Order, Warrant or Interlocutor; that the word "Month," shall mean a calendar Month; that the words "Debtor," "Bankrupt" and "Creditor," shall mean bodies corporate, companies or partnerships, as well as individuals, and shall, as well as all other words importing the singular number and masculine gender, include several persons as well as one person, and females as well as males, and several matters of the same kind as well as one matter, unless it shall be otherwise provided, or the subject matter or context be repugnant to such construction; and this Act shall be construed in the most beneficial manner for promoting the ends hereby intended, and shall include married women carrying on trade independent of their husbands; provided they fall within any of the descriptions hereinafter mentioned.

Act to be construed beneficially for the ends thereof.

4. Affirmation in place of Oath to be taken by certain parties.

And be it Enacted, That when any oath is herein directed to be taken, the party, if a Quaker, Moravian or Separatist, shall, instead of such oath, make affirmation, according to the provisions of an Act of the third and fourth year of His present Majesty's reign, intituled, "An Act to allow Quakers and Moravians to make Affirmation in all cases where an Oath is or shall be required;" and of another Act of the same year, intituled, "An Act to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath;" and such affirmation shall be equivalent to an oath, and the falsely making thereof, or the refusing thereof, when any oath is required to be made as herein provided for, shall be punished in the same way and subject the parties guilty thereof to the same penalties and forfeitures as are herein provided for the false taking or for the refusing to take an oath.

3 & 4 Will. 4. c. 49.

3 & 4 Will. 4. c. 89.

And

5.
NOTOUR BANKRUPTCY.
1696, c. 5.

And be it Enacted, That an Act made by the Parliament of Scotland in the year One thousand six hundred and ninety-six, intituled, "Act for declaring Notour Bankrupts," shall, in so far as it relates to the description of Notour Bankruptcy, be and the same is hereby repealed (saving the effect thereof as to cases of Notour Bankruptcy before the commencement of this Act), and after the said day of if a Debtor being within Scotland (whether he is liable or not to imprisonment) be lawfully charged to pay a civil debt amounting to not less than *Twelve Pounds*, and fail to pay the same within the days of charge, it shall be competent on the expiration of the said days to denounce him Insolvent, by executing against him in the same way as charges are executed, a copy of Denunciation in the form of the Schedule (A.) hereunto annexed; and the messenger or other officer shall thereupon return an execution in the form of the Schedule (B.) hereunto annexed; and if an abbreviate of the said execution of denunciation in the form of the Schedule (C.) hereunto annexed, (or as near as circumstances will in those several cases permit), be registered within *Year and Day* from the date of the charge in a register of Notour Bankrupts, to be kept at Edinburgh, the Debtor shall be held to be Notour Bankrupt from the date of such registration, and it shall be competent to any Creditor of the Debtor to cause such abbreviate to be registered: Provided always, That no charge or charges which may be given on a debt shall make the Debtor Notour Bankrupt, unless the denunciation shall be registered within *Year and Day* of such charge or charges.

By expired charge of Payment with registered denunciation of Insolvency.

6.
By Apprehension, Imprisonment or retiring to Sanctuary.

And be it Enacted, That if a Debtor shall after the said day of be apprehended or imprisoned on Civil Diligence for debt, he shall be held Insolvent and Notour Bankrupt, at and from the date of his apprehension or imprisonment.

7.
Where Debtor forth of Scotland.

And be it Enacted, That if a Debtor, subject to the laws of Scotland, shall be forth thereof, and be charged on induciæ of *Thirty Days* at the office of Edictal Citations of the Court of Session, to pay a civil debt, amounting to *Twelve Pounds*, aud shall fail to pay the said debt within the days of charge, it shall be competent to denounce him insolvent as aforesaid at the said office, and an abbreviate of denunciation of Insolvency, registered in the said Register of Notour Bankrupts, combined with an arrestment of his effects not loosed or discharged within *Fifteen Days* after the date of its execution, or with a poinding of his moveables, or with a decree of adjudication for payment or security of debt of any part of his estate shall render him Notour Bankrupt, as at the date of the said registration: Provided always, That his insolvency be lawfully otherwise established; and where

Presumption of absence from Scotland.

where he shall have abandoned his ordinary place of residence in Scotland for *Forty Days* and not have taken up some other known residence within Scotland, nor left notice at his said place of residence where he is to be found within Scotland, and he is not so found, and an execution of a messenger is returned to that effect, he shall for the purposes of this Act be held to be forth of Scotland.

8.
By Sequestration under this Act.

And be it Enacted, That the awarding of Sequestration in virtue of this Act shall render the Debtor Notour Bankrupt, as at the date of the first deliverance on the petition for Sequestration.

9.
Debtor to be held Insolvent and Notour Bankrupt on and after 60 days before Bankruptcy.

And be it Enacted, That where a Debtor is rendered Notour Bankrupt in any of the ways above specified, he shall be held to have been Insolvent and Notour Bankrupt on and after the *Sixtieth* Day before the date of being rendered Notour Bankrupt: Provided always, That where a person has been forth of Scotland as aforesaid, his insolvency shall be proved as hereinbefore provided.

10.
Sequestration of Estates of Debtors without their consent.

And be it Enacted, That Sequestration may be awarded, as hereinafter provided, of the Estates of any Debtor, without his consent, who is Notour Bankrupt, and is within Scotland, or who has had a dwelling-house or place of business in Scotland, within *a Year* before the date of presenting the petition for Sequestration, and who is a merchant, banker, trader, manufacturer, cattle dealer, grain dealer, broker, underwriter, artificer, innkeeper, or who is a partner in any of these occupations, or holds a share in a public or joint stock company, (provided his Bankruptcy shall be caused by the Bankruptcy of such public or joint stock company, but not otherwise), or, in general, who for himself or in partnership with others, or as agent or factor for others, seeks his living, or a material part thereof by buying and selling, or dealing or working, in any of the said occupations: Provided always, That no farmer, who is not bonâ fide a dealer in cattle or grain, which is not the produce of his farm, nor worker or labourer for hire, shall be liable to have his estate sequestrated without his consent; and Sequestration of the Estates of such Debtor may be petitioned for, as hereinafter provided, within *Four Months* after the date when he was rendered Notour Bankrupt by any one Creditor whose debt shall amount to *Fifty Pounds*, or by any *Two* Creditors whose debts shall together amount to *Seventy Pounds*, or by any *Three* or more Creditors whose debts shall together amount to *One hundred Pounds* or upwards, provided the said debts are not contingent.

Creditors entitled to petition for Sequestration.

11.
Of Estates of Debtors with their consent.

And be it Enacted, That Sequestration may be awarded of the Estates of any Debtor, although he be not Notour Bankrupt, nor within any of the above descriptions: Provided always, That the

Debtor

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Debtor shall himself petition for Sequestration with the concurrence of *One* or more Creditors qualified as aforesaid.

12.
Of the Estates of a deceased Debtor.

And be it Enacted, That Sequestration may be awarded of the Estates of any deceased Debtor, on the petition of *One* or more of his Creditors qualified as aforesaid, although the Debtor was neither Notour Bankrupt, nor within any of the above descriptions, nor personally within Scotland at the time of his death: Provided always, that at that time he was subject to the laws of Scotland, and no such Sequestration shall be awarded until the expiration of *Six Months* from the Debtor's death, unless it be shown that at the time of his death he was Notour Bankrupt; but such Sequestration may be applied for within the said *Six Months*, as hereinafter provided.

13.
Petitioning Creditor to make oath to verity of debt and produce documents.

And be it Enacted, That to entitle any Person to petition or concur in a Petition for Sequestration, or to be ranked, or in any way to act as a Creditor, he shall make oath, if he be within Scotland, before a Judge Ordinary or Justice of the Peace, and if in England or Ireland before a Commissioner of Bankruptcy, or a Justice of the Peace; or if furth of the kingdom, before a magistrate of the country where he resides, certified by a British Minister or Consul, or by a Notary Public, to be a Magistrate authorized to administer oaths; and in the said oath he shall swear that the debt which he claims is owing to him by the Debtor, and if he is possessed of any voucher or written evidence of his debt, he shall specify the same, and if such voucher or evidence is not in his possession or within his power, he shall specify the same and state why it is not so, and in whose hands it is, to the best of his knowledge; and if the debt is of the nature of an open account, he shall specify the same and engross the account in his oath, or refer specially thereto.

14.
Creditors to value and deduct security, and specify balance.

And be it Enacted, That if any Creditor hold a security or preference for his debt over the Estate, he shall in his said oath specify the same, and swear that he holds no other security or preference, and if the subject over which it subsists has not been sold, or the price not realized, he shall put a value upon such security or preference, and deduct such value from his debt; and if it be sold and the price realized, he shall deduct the free proceeds thereof, from his debt, and in both cases he shall specify the balance; and if he has any obligant bound to him along with and liable in relief to the Debtor in whole or in part, he shall in his said oath state that fact and specify the same, and that he holds no other persons so bound to him, and put a value on the security to the extent to which such obligant is liable to relieve the Bankrupt, and deduct such value from his debt and specify the balance; and if the Estate on which the Creditor claims be that of a partner of a Company, and the debt be due by the Company as well as the said Partner, the Creditor shall in his said oath put a value on his claim against the Company, and the other Partners thereof, and he shall deduct such value from his debt, and specify the balance.

15.
Contingent Creditors.

And be it Enacted, That the Creditors in the said several cases shall vote in respect of the said balance, only reserving their rights to be ranked as hereinafter specified; and where the debt in respect of which the Creditor claims depends on a contingency, or is of the nature of an annuity, he shall in his said oath put a value on such contingency or annuity, and specify the same in his said oath: Provided always, That such contingent Creditor shall not be entitled to apply for, or concur in any Petition for Sequestration, or claim or vote, except as hereinafter provided.

16.
Creditors on debts future and liable to discount, to make deductions and specify balance; creditors may accumulate arrears of Interest.

And be it Enacted, That if a Creditor shall claim for a debt payable at a future time certain, he shall in his oath discount legal interest thereon from the date of the Sequestration to the term of payment and specify the balance; and if a Creditor shall claim for the price of goods sold or of work done, which price by the usage of trade is liable to a discount of more than legal interest, he shall in his oath state the amount of the said discount, and shall deduct such discount from the price so far as it exceeds the legal rate of interest, and specify the balance; and where a Creditor claims for a debt with bygone interest thereon, he may in his oath accumulate the interest thereon as at the date of the Sequestration, and he shall specify the amount, but he shall not be entitled to claim interest on such accumulated sum, and the said Creditors in the said several cases shall be entitled to vote and to be ranked as Creditors for the said sums respectively: Provided always, That if there be any residue of the Estate, after discharging the debts ranked, the said Creditors shall be entitled to draw out of such residue any interest lawfully due on the said future debt, if the term of payment has arrived after the date of the Sequestration, or, (as the case may be) any sum so deducted, if lawfully exigible, or the interest on the said accumulated sum so far as not otherwise paid.

17.
Agents, &c. in certain cases may make oath of credulity.

And be it Enacted, That where any Creditor is furth of Scotland, so that he cannot receive a communication in due time to prove his debt for any of the purposes before specified, or where any Creditor, either within Great Britain and Ireland, or furth thereof, is in pupillarity, or incapable to make oath as aforesaid, his lawfully authorized agent, factor, guardian or manager may make an oath of credulity to the effect above specified (or as near thereto as circumstances will permit) and the same shall be sufficient: Provided always, That such oaths, either of verity or credulity, shall in no case supersede the

Oath not to supersede legal Evidence.

necessity of producing legal evidence, where the same is required by the Court of Session, the Lord Ordinary or the Sheriff, or the Trustee.

18.
Mode of applying for Sequestration to be by Petition; and Oath and Vouchers to be produced.

And be it Enacted, That the application for Sequestration shall in all cases be by a written Petition to the Lord Ordinary, signed by the agent of the Petitioner, praying for Sequestration of the estates of the Debtor, and with such Petition the petitioning or concurring Creditor, shall produce an Oath to the effect above specified, and (if the Debtor do not consent to the Sequestration) the Creditor shall in the said Oath swear, in addition, that he believes the Debtor to be within one or other of the descriptions aforesaid, and he shall specify which description; and he shall also produce with the Petition the vouchers of debt, or if the debt stand on open account, he shall produce a copy of the account referred to in his Oath subscribed by him, and containing a copy of the items on both sides as it stands in his books, or of the whole items froms the last settled balance, with any docquet or voucher of such balance, if the same be in his possession or within his power, and failing which a copy of the whole account signed by him: Provided always, That where the Petition is in name of the Debtor, it shall not be necessary in the said Oath to swear that he is within any of the above descriptions; but there shall be produced a mandate by the Debtor, authorizing such Petition to be presented.

19.
If applied for by the Debtor, Sequestration to be instantly awarded.

And be it Enacted, That where such Petition is presented by the Debtor, with concurrence as aforesaid, the Lord Ordinary shall forthwith pronounce a deliverance, awarding Sequestration of the whole estates of the Debtor then belonging, or which before the Debtor be discharged shall come to him, and he shall declare the said Estates to belong to his Creditors for the purposes of this Act, and appoint a general meeting of the Creditors to be held, to elect a Trustee and Commissioners, and do the other Acts hereinafter provided, at a place as near as may be convenient to the residence or last residence of the Debtor, or where his business is or was last carried on, and on such a day and hour being not less than *Four Weeks* and not more than *Six Weeks* from the date of the deliverance;) and he shall appoint the Creditors to lodge their oaths and vouchers in the hands of the Sheriff Clerk of the county or ward within which the meeting shall be held at, or before *Three* of the clock of the *Second* lawful day before the day of said meeting; and he shall remit to the Sheriff of the said county to proceed in manner hereinafter mentioned: And the Lord Ordinary shall, unless cause be shown to the contrary, grant a protection to the Bankrupt to continue (unless recalled in manner hereinafter provided) until the time when he shall apply for a discharge, and until such application be disposed of; and a copy certified by the Bill Chamber Clerk of the Interlocutor awarding Sequestration and granting protection, shall protect the Bankrupt from arrest or imprisonment in Great Britain and

Ireland and His Majesty's other dominions, for civil debt contracted previous to the date of Sequestration, and shall be a Warrant to all Magistrates and Keepers of Gaols in Scotland to liberate the Bankrupt, if already imprisoned; but such protection shall not be of any effect against the execution of a Warrant of Arrest in meditatione fugæ: Provided always, That notwithstanding the said remit, the Sequestration shall be held to be a depending process in the Court of Session until it be finally closed.

20.
If applied for without the Debtor's consent, Warrant to cite, &c. to be granted.

And be it Enacted, That if the Petition for Sequestration be presented without the consent of the Debtor the Lord Ordinary shall forthwith issue a warrant to cite the Debtor in terms of law, by delivering to him personally or leaving at his dwelling-house or place of business, and failing thereof, or if he be furth of Scotland, at the dwelling-house or place of business last occupied by him, and at the Office of Edictal Citations, to appear within a time specified in the warrant, (being not less than *Six Days* nor more than *Twenty-one Days* from the date of Citation if within Scotland, and if furth thereof, being not less than *Thirty Days* nor more than *Forty Days* from the said date), to shew cause why Sequestration should not be awarded, and he shall be cited accordingly; and the Lord Ordinary shall, if desired, grant Diligence to the Petitioner to recover evidence of the Notour Bankruptcy, and that the Debtor is within the description alleged; and if upon the expiration of the time specified in the warrant the Debtor do not appear by himself, counsel or agent, or if appearing he do not instantly pay, or produce evidence of the payment of the debt in respect whereof he was made Notour Bankrupt, and of the debt due to the petitioning Creditor, or the debt due to any other Creditor who shall appear and concur in the Petition, or shew other lawful cause why Sequestration should not be awarded, the Lord Ordinary, on production of evidence of the Citation and of the Notour Bankruptcy, shall immediately award Sequestration, appoint a meeting to be held for election of a Trustee and Commissioners, and for doing the other acts hereinafter provided, remit to the Sheriff, and grant a personal protection, all to the effect and in the manner above specified.

21.
Application for Sequestration of the Estates of deceased Debtor.

And be it Enacted, That where such Petition is presented for Sequestration of the Estates of a Debtor who is dead, the Petitioning Creditor shall therein specify the place where the Debtor at the time of his death resided and carried on his business, and shall therewith produce an oath and vouchers or signed account in manner above provided; and the Lord Ordinary shall thereupon grant warrant to cite the nearest of kin, heirs and representatives of the Debtor, personally or at their dwelling place, if known and within Scotland, or if not known, or if furth of Scotland, at the Office of Edictal Citations,

tions, and in both of these last cases also at the house where the Debtor had, at the time of his death, his domicile or his place of business in Scotland, and shall require them within *Twenty-one Days* from the date of Citation to show cause why Sequestration should not be awarded, and they shall be cited accordingly; and if on the expiration of the said period and production of an execution of Citation they fail to appear, the Lord Ordinary shall order intimation of such Petition and his Warrant to be published in the Edinburgh Gazette and in such newspaper as he shall think fit, requiring the nearest of kin, heirs and representatives, to appear and show cause as aforesaid within *Twenty-one Days* from the date of the publication in the said Gazette of the said Intimation; and if they do not appear, or if appearing, either before or after such Intimation, no lawful cause shall be shown by them, or any other party interested to the contrary, and on production of evidence of the said intimation (as the case may be,) the Lord Ordinary shall award Sequestration, and issue the other Orders as herein above provided in the case of any other Debtor, in so far as the circumstances arising from the death of the Debtor will permit; and he shall ordain the nearest of kin, heir, or other representative, if he shall have made up a title to, or be in possession of the estate of the Debtor, to transfer the Estate so far as liable to the debts of the deceased to the trustee, to be appointed as hereinafter directed, and the Sequestration shall proceed in the same way as in other cases herein provided for, with the differences necessarily arising from the death of the Debtor: Provided always, That it shall be competent for the petitioning Creditor at any time before Sequestration is awarded, to apply to the Lord Ordinary to appoint a judicial Factor to administer the Estate in the mean time, and if no lawful cause be shown to the contrary, the Lord Ordinary shall appoint a Factor accordingly; and it shall not be competent for any Creditor after the date of the first deliverance to confirm himself Executor Creditor, or to raise or insist in any Adjudication or Diligence against the estate of the deceased.

22.
Sequestration of the estates of a Company.

And be it Enacted, That where the said Petition is presented for the Sequestration of the Estates of any Partnership or Company in Scotland it may be presented either by the Company itself or, in case of its dissolution, by any partner authorized to wind up the same with concurrence of *One* or more Creditors qualified as aforesaid; and where the Company do not so apply the Petition may be presented by *One* or more Creditors qualified as aforesaid, and the procedure herein directed with regard to the Sequestration of the Estates of individual Debtors shall be followed out; and it shall be a sufficient citation that a copy of the Petition and Warrant of Service be left at the house or place where the business of the Company is, or was last carried on, provided a partner, or a clerk or a servant of the Company be there, and failing thereof, at the dwelling-house of any of the acting partners; and if the house of such partner cannot be found, by leaving the said copy at the office of Edictal Citations; and if no appearance be made, or no cause shown as aforesaid Sequestration shall be awarded in manner above provided, either of the Estates of the Company and Partners jointly, or of them separately, according as the same shall be prayed for.

23. Date of Sequestration.

And be it Enacted, That in all questions under this Act the Sequestration shall be held to commence and take effect on the day when the first interlocutor or deliverance, of whatever nature it may be, shall be signed by the Lord Ordinary, and the said day shall be held to be the date of awarding Sequestration, although the Sequestration be not actually awarded till a later date.

24. Petitioning concurring or claiming to interrupt prescription.

And be it Enacted, That the presenting of or concurring in a Petition for Sequestration or the lodging of a claim in manner herein provided shall interrupt prescription in the like manner as if an action had been raised for the debt, and such lodging shall likewise bar the effect of any statute of limitations in England or Ireland, or His Majesty's dominions, and although the Sequestration shall be recalled, such interruption shall not thereby be affected.

25. Bill Chamber Clerk to be Clerk of Sequestrations: and Duties.

And be it Enacted, That the Clerk of the Bill Chamber in the Court of Session shall be Clerk to all Sequestrations, and he shall as soon as any Petition is presented for Sequestration mark thereon, according to the desire of the Petitioner, the division of the Court to which the Petitioner wishes the Sequestration to be appropriated; and to that division the Sequestration shall be appropriated accordingly; and he shall keep a book, to be intituled, "The Register of Sequestrations," in the form of Schedule (D.) hereunto annexed, which book shall be patent to all concerned, and he shall therein enter, as soon as the same are intimated to him, the date of the first deliverance, the name and designation of the petitioning or concurring Creditor, and of the debtor, the place and county of the Debtor's domicile, or where his business is, or was last carried on, the date of awarding Sequestration, the place and time appointed for the election of trustee and the day fixed for lodging claims; and also make the other entries hereinafter provided.

26. Abbreviate of Petition and first Deliverance to be recorded in the Register of Inhibitions.

And be it Enacted, That the party applying for Sequestration shall before the expiration of the next lawful day after the first Deliverance present an Abbreviate of the Petition and Deliverance in the form of Schedule (E.) hereunto annexed, to the Keeper of the General Register of Inhibitions at Edinburgh, who shall therein record the said

Abbreviate; and the Abbreviate so recorded shall have the effect of an Inhibition, and of a Citation in an adjudication of the whole heritable estate of the Debtor, at the instance of all the Creditors afterwards ranked on the estate; and the said petitioning or concurring Creditor (as the case may be) shall also insert a notice, in the form of Schedule (F.) hereunto annexed, in the Edinburgh Gazette, published next after the date of the Interlocutor awarding Sequestration, and also in the London Gazette published next immediately after the publication of the said Edinburgh Gazette.

27.
Interlocutor awarding Sequestration not liable to review, but may be recalled.

And be it Enacted, That the Interlocutor of the Lord Ordinary awarding Sequestration shall not be subject to review: Provided always, That it shall be competent for any Debtor whose estate has been sequestrated without his consent, or for any Creditor, whether the Sequestration has been awarded with or without the consent of the Debtor, to present, within *Forty Days* after the date of the Interlocutor awarding Sequestration, a petition to the Lord Ordinary, setting forth the grounds for recall, and praying for recall accordingly; and where Sequestation has been awarded of the estate of a deceased Debtor, when his nearest of kin, heir or representative was furth of Scotland, it shall be competent to them, or any person having a lawful interest, to apply by petition as aforesaid, at any time before the publication of the advertisement, for payment of the first dividend hereinafter mentioned, provided they were not in the knowledge of the proceedings prior to the awarding of Sequestration; and the Lord Ordinary shall in these several cases order a copy of the petition and of his deliverance thereon to be served on the petitioning Creditor, or (as the case may be) on the petitioning Debtor, and the concurring Creditor, or on their respective known agents, and on the interim factor or trustee, if then appointed, and he shall require them to answer within a certain short time; and order a notice of the presenting of the petition to be published at least *Once* in the Edinburgh Gazette, and in such newspapers as he shall see fit; and on the expiration of the said period he shall pronounce such judgment as shall be just; and if the Lord Ordinary shall recall the Sequestration, he shall order the recall to be entered by the Clerk in the Register of Sequestrations, and by the Keeper on the margin of the record of Inhibitions, and it shall be so entered accordingly.

28.
Nine-tenths of Creditors ranked may at any time apply for recall.

And be it Enacted, That no petition for recall of the Sequestration shall be competent after the expiration of the said *Forty Days*, or after the said advertisement for payment of the first dividend respectively: Provided always, That *Nine-tenths* in number and value of the Creditors who shall have been ranked on the Estate as hereinafter directed, may apply for recall by Petition to the Lord Ordinary, and the Lord Ordinary shall thereupon order notice of the petition and his deliverance to be published in the Edinburgh Gazette, and in such newspapers as he shall see fit, requiring all concerned to appear within *Fourteen Days* from the date of the publication in the said Gazette, and show cause why the Sequestration should not be recalled; and on expiration of the said time the Lord Ordinary shall pronounce such judgment as shall be just, as hereinbefore provided.

29.
Mandate to apply for Sequestration to continue in force, although granter die.
Creditor may be sisted in his place.

And be it Enacted, That if a Debtor, who has granted a mandate to apply for Sequestration, shall die before the Petition is presented or Sequestration is awarded, the mandate shall nevertheless continue in full effect; and if any Creditor, who has petitioned for Sequestration or concurred in the petition, or who has petitioned for recall of a Sequestration, or has appeared to oppose any such petition, either for Sequestration or recall, shall thereafter die, withdraw or become Bankrupt, it shall be competent for any other Creditor to sist himself in his place, and to follow out the proceedings.

30.
PROCEEDINGS on REMIT to SHERIFF.
Certified Petition and Documents to be transmitted to the Sheriff Clerk.

And be it Enacted, That on the said remit being made to the Sheriff, a copy of the petition for Sequestration and of the Interlocutor awarding Sequestration thereon, certified by the Clerk of the Bill Chamber, shall, along with the productions, be transmitted by the Petitioner to the Sheriff Clerk of the county or ward wherein the said general meeting is to be held; and the Sheriff shall, in virtue of the said remit and of this Act, have full power and jurisdiction to determine all questions in the Sequestration, under the limitations, and as hereinafter provided; and extracts of his orders, warrants, and decrees, shall, where necessary, be issued by the Sheriff Clerk; and such extracts, as well as all extracts of any deliverance, order, warrant and decree under this Act, shall be lawful evidence in all Courts and Places within Great Britain and Ireland, and His Majesty's Dominions; and shall also be sufficient warrants for all diligence and execution by law competent.

Extracts to be Evidence.

31.
Sheriff to appoint Interim Factor.

And be it Enacted, That on the said remit being presented to the Sheriff he shall forthwith appoint a fit person to be Interim Factor on the said estate until a trustee be declared, and the Interim Factor shall find such caution for his intromissions as the Sheriff shall think reasonable; and he shall grant bond with a cautioner in the form of the Schedule (G.) hereunto annexed, which form shall be furnished by the Sheriff Clerk, and when duly executed, shall be lodged with him; and on the bond being so lodged, the Sheriff Clerk shall issue to the Interim Factor an act and warrant in the form of the Schedule (H.) hereunto annexed, which shall be a good and effectual title to the Interim Factor to perform the duties hereinafter imposed on him.

And

32. **Duties of Interim Factor.**

And be it Enacted, That the Interim Factor shall immediately on receiving the act and warrant of his appointment take possession of and recover the Bankrupt's estate, and make an inventory thereof, and of his title deeds, books, bills, vouchers, and all other documents whatsoever, so far as then known; and he shall transmit a copy of such inventory to the Bill Chamber Clerk; and the Bankrupt shall, with all dispatch, make up a state of his affairs, specifying his whole estate wherever situated, the estates in expectancy, or to which he may have an eventual right, the names of his Creditors and Debtors, and the debts due by and to him, and also a rental of his heritable subjects; which inventory, state and rental shall be ingrossed in a sederunt book to be kept by the Interim Factor; and the Bankrupt shall give his assistance and all information necessary to enable the Interim Factor to execute the duties hereby imposed on him; and if the Bankrupt fail to do so, or to grant Power of Attorney or such other deed as may be requisite for the recovery of the estate, the Interim Factor may apply to the Sheriff to compel him to give such assistance and information, and to grant such deeds under the penalty of incarceration and of forfeiture of the benefits of this Act; and unless lawful cause be shown to the contrary, the Sheriff shall issue an order accordingly; and the Interim Factor, or any one having interest may apply to the Sheriff for warrant to sell any part of the moveable estate which may be of a perishable nature, or in danger of diminishing in value; and for directions as to whether he shall shut or keep open the place of business of the Bankrupt, and whether he shall continue or stop the business going on, or take other steps for the preservation of the estate until the first general meeting of the Creditors; and on due intimation to the petitioning or concurring Creditor, and to the Bankrupt, the Sheriff shall issue such order and such directions as may be just; and the Interim Factor may also apply for authority to receive and open letters addressed to the Bankrupt.

33. **Interim Factor to lodge money in Bank, and do other acts for preservation of Estate.**

And be it Enacted, That the Interim Factor shall lodge all monies received by him in Bank as hereinafter directed, and he shall pay to the petitioning or concurring Creditor the expense incurred by him in obtaining the Sequestration; and failing funds received by the Interim Factor, such expenses shall be paid by the trustee when he shall be appointed.

34. **Creditors not to be liable for expenses except in certain cases.**

And be it Enacted, That no person shall by claiming or appearing as Creditor in any Sequestration awarded in virtue of this Act, be personally liable to any action by the Interim Factor or trustee or any agent or other person employed in the business of the estate for money advanced or expense incurred, or remuneration in the management of the estate, or in following out any resolution of creditors, or in any judicial proceeding or litigation; reserving to the Interim Factor, trustee, agent and others, their right to payment out of the sequestrated Estate or against such creditors as shall have expressly undertaken to be answerable for the same; and where any creditor shall have come under such special undertaking or given employment, or advanced money, no other creditor shall be entitled to any benefit resulting therefrom until the Interim Factor or trustee, and the creditor so engaging, employing or advancing shall be repaid the said expenses; and the Interim Factor or trustee may intimate to the creditors at any of the meetings herein appointed, or at any general meeting called for the purpose by advertisement in the Edinburgh Gazette, that the Sequestration or the particular proceeding for which funds are required shall cease, unless funds be provided by the creditors.

35.
Creditors claiming to vote for Trustee must lodge Oaths and Vouchers.

And be it Enacted, That every Creditor who claims to vote in the election of a trustee, shall lodge with the Sheriff Clerk before *Three* of the clock of the afternoon of the *Second* lawful day previous to the day of election, his oath and vouchers of debt; or if the same stand on open account, he shall produce the account referred to in his oath, which account shall be subscribed by him, and shall contain a copy of the items on both sides as it stands in his books, or of the whole items from the last settled balance with any docquet, or voucher of such balance, if the same be in his possession or within his power, failing which, a copy of the whole account signed by him; and which oaths and vouchers shall be patent to all concerned; and the Sheriff may grant diligence to recover any of the said documents.

36.
Objections to votes to be lodged with the Sheriff-Clerk.

And be it Enacted, That if any objections are to be made to the claims as contained in the said Oaths, such objections shall be set forth in a short note subscribed by the objector or his agent, and shall be lodged with the Sheriff-Clerk before *Three* of the clock of the afternoon of the lawful day, immediately preceding the election, and shall be patent to all concerned.

37.
Sheriff-Clerk to enter claims and objections in a Schedule

And be it Enacted, That on the said Oaths, Vouchers and Objections, being respectively lodged as aforesaid, the Sheriff-Clerk shall forthwith enter the names of the Creditors, the amount of the debt claimed, the value of the Securities, the specified balance, the nature of the productions, and the objectors' names, in a Schedule in the form of the Schedule (I.) hereunto annexed.

38.
Amount in respect of which creditors holding securities may vote.

And be it Enacted, That where a Creditor holds a security or preference over any part of the sequestrated Estate, he shall only be entitled to vote, and to assent to, or dissent from, any offer of composition or petition for discharge, in respect of the balance of his debt, as specified in his oath, and no more: Provided always, That in questions relative to the management and disposal of the subject over which his security or preference extends, he shall be entitled to vote for the whole amount of his debt: and where a Creditor holds any obligant bound to him along with the Bankrupt, and the obligant is liable to relieve the Bankrupt, the Creditor shall only be entitled to vote and assent, or dissent as aforesaid, in respect of the balance specified in his Oath: and where a Creditor claims on the Estate of a company, he shall, in all questions relative thereto, be entitled to vote and assent, or dissent, as aforesaid, for the whole amount of his debt, undiminished by what he may be entitled to draw from the Estates of the partners; but in questions relative to the Estate of a partner, he shall only only be entitled to vote and assent or dissent, for the balance specified in his Oath: and any Creditor, the existence or amount of whose debts shall depend upon a contingency, or be of the nature of an annuity, or uncertain event, shall be entitled to vote in the election of Trustee, but not otherwise, for such sum as he has set forth in his Oath, as the present value of his debt.

39.
Rules as to fixing value of claims by contingent Creditors in voting.

Provided always, and be it Enacted, That if any objection shall have been lodged as aforesaid to the value put on such contingent debt or annuity, the Sheriff shall, at the meeting hereinafter mentioned, on the vote being tendered, hear parties thereon, and if the objection be sustained, he shall fix the amount of the value; and the Creditor shall be entitled to vote only in respect of such value: Provided always, That the value so fixed shall not be held as fixed to any other effect than that of voting in the said election; and after the Trustee shall have been confirmed, as hereinafter mentioned, he shall decide on such contingent claim, and the value put on it, in the same manner as on claims for present debts; but until the value be fixed either by the Sheriff, as aforesaid, or the Trustee, such contingent Creditor shall not be entitled to vote either at the election of Trustee, or at any meeting, or to assent to, or dissent from, the offer of composition, or application for discharge of the Bankrupt.

40.
Provision for change on values of securities, and right of trustee to require assignation.

And be it Enacted, That where a Creditor has put a value upon any security, preference or obligation, as aforesaid, he may, on a change of circumstances, correct such valuation by a new Oath, in which he shall specify such change, and deduct such new value from his debt, and state the balance and he shall be reckoned as a Creditor, and vote accordingly: Provided always, That it shall be competent to the Trustee at any time within *Four Months* after an oath specifying the said value has been lodged, to require a conveyance or assignation to such security, preference or obligation, on tendering payment to him for behoof of the Creditors of the specified value, together with *Twenty* per centum in addition to the said value, and the Creditor shall be bound to grant and deliver such conveyance or assignation accordingly at the expense of the Trustee.

41.
Persons acquiring debts after sequestration for which not liable, not to vote for trustee.

And be it Enacted, That if any person shall acquire, after the date of the Sequestration, otherwise than by succession or marriage, a debt due by the Bankrupt, for which before such acquirement such person was not liable, he shall not be entitled to vote thereon in the election of trustee, but shall be entitled to be reckoned as a creditor, and to vote, and assent or dissent as aforesaid, in all other respects as a creditor.

42.
Mandataries for creditors may vote and be elected Commissioners.

And be it Enacted, That the mandatary of any person entitled to vote and act as a Creditor, may vote or act in the absence of such Creditor, and also be elected a Commissioner, provided he exhibit a written authority so to vote and act; and the vote and act of such mandatary shall, within the limits of his mandate, be held as the vote and act of the Creditor himself.

43.
Rule as to majorities.

And be it Enacted, That at any meeting of Creditors all questions shall be determined by the *majority* in value of those present and entitled to vote, unless in the cases herein otherwise provided for; and where, for the purpose of voting, or of assent and dissent, the Creditors are required to be counted in number, no Creditor whose debt is under *Twenty Pounds* shall be reckoned in number, but his debt shall be computed in value.

44.
First General Meeting. Sheriff, Sheriff-clerk, and Interim Factor to attend; and Interim Factor to exhibit states and be exonerated.

And be it Enacted, That at the time and place appointed for the said first general meeting. the Sheriff and Sheriff-Clerk and Interim Factor shall attend; and the Interim Factor shall exhibit the sederunt-book, containing the said inventory, state and rental, and also an account of his intromissions and disbursements, together with the title-deeds, bills, vouchers, and other documents, and if required, also the books of the Bankrupt, conform to inventory; and if the said meeting be satisfied that the Interim Factor has duly lodged the money and performed his duties, they shall fix the remuneration to be allowed to him, and he shall receive payment thereof, and of all advances made by him, out of the first and readiest of the funds: Provided always, That if the Interim Factor shall be dissatisfied with the sums so allowed, he may appeal to the Sheriff, whose judgment thereupon shall be final and conclusive, but he shall not be entitled, on any ground whatsoever, to retain any part of the Estate of the Bankrupt, but shall be bound, as soon as the trustee shall have been appointed, to deliver the estate, title-deeds, books, bills, vouchers, and other documents, to the trustee, who shall, if sufficient funds have not been realized by the Interim Factor, pay the said remuneration and advances, and that out of the first money which shall come into his hands.

45.
Election and confirmation of trustee.

And be it Enacted, That, at the said meeting, the Sheriff-Clerk shall produce the oaths, vouchers, and objections which have been lodged as aforesaid, together with the said Schedule: and the Creditors present, or their mandataries, shall proceed to elect a fit Person to be Trustee, or *Two* or more to act in succession as Trustees, in case of non-acceptance, death, removal or disqualification; and in the case of the Sequestration of the Estate of a company and of the Partners, one Trustee for all the Estates, or separate Trustees on the estate of the Company, and of all or each of the individual Partners, and Trustees in succession as aforesaid: Provided always, that it shall not be lawful to elect as Trustee either the Interim Factor, or Bankrupt, or any Person conjunct and confident with the Bankrupt, or who holds an interest opposed to the general interest of the Creditors, or whose residence is not within the jurisdiction of the Court of Session; and the Sheriff shall, on hearing parties on the objections lodged as aforesaid, or on objections to the Persons proposed as Trustees, decide thereon, and after the Clerk has, under his inspection, made a minute of the votes, he shall subscribe the said minute, and shall declare and confirm the Person who has the *majority* of votes in value to be Trustee; or make avizandum with the proceedings, and he shall within *Four Days* thereafter decide thereupon, and declare and confirm the person who has such majority, and to whom there is no lawful objection, Trustee, and also the Persons having such *majority*, and to whom there is no lawful objection, Trustees in succession: Provided always, That the judgment of the Sheriff may be reviewed in manner hereinafter mentioned; and any Creditor whose vote has been rejected, may renew his claim and produce his grounds of debt at any subsequent period of the Sequestration, reserving to the Trustee and Creditors their right to object to the same.

46. Amount of caution to be fixed, and bond to be lodged.

And be it Enacted, That the Creditors shall at the said meeting fix the amount of the security which the Trustee, and, in cases of competition, the amount of the security which each of the competitors shall find for his intromissions, and for the performance and observance of the duties and rules hereby enacted; and shall also decide on the sufficiency of the caution offered; and the Trustee so confirmed shall, within days from the date of confirmation, lodge with the Sheriff-Clerk a bond of caution signed by himself and his cautioner in the form of the said Schedule (G.) hereunto annexed, which shall be furnished to him by the Sheriff-Clerk; and the Sheriff-Clerk shall issue an act and warrant in the form of Schedule (K.) hereunto annexed to the Trustee, who shall immediately transmit a copy of the said act and warrant to the Bill-Chamber Clerk, who shall thereupon make an entry of the Trustee's name and designation in the Register of Sequestrations; but the minutes of the said meeting, signed by the Sheriff, and the bond of caution, shall remain in the hands of the Sheriff-Clerk.

Act and warrant to be issued to Trustee.

47. Election of commissioners.

And be it Enacted, That at the said meeting, the Creditors present, or their mandataries, shall, after the election of the Trustee, proceed to elect *Three* Commissioners, who shall be either Creditors, or mandataries of Creditors; and the Sheriff shall decide, in the same way as in the election of a Trustee, who are the persons lawfully eligible having the *majority* of votes in value, and he shall declare their election by a deliverance in the Sederunt-Book, which shall be sufficient to entitle them to act without farther authority, and a *majority* of them shall be a quorum: Provided always, That no Person shall be eligible as a Commissioner who is disqualified to be a Trustee, or is not resident within Scotland; and any mandatary who has been elected a Commissioner shall lose that office upon written intimation being sent by his constituent to the Trustee, that he has recalled the mandate, and the Trustee shall immediately record the intimation in the Sederunt-Book; and the Trustee shall, in all cases where a Commissioner has ceased to act, call a meeting of Creditors for the purpose of electing a new Commissioner, and such Commissioner shall be elected in manner hereinbefore provided.

Disqualification.

48.
Duties of Commissioners.

And be it Enacted, That it shall be the duty of the Commissioners to superintend the proceedings of the Trustee, to give their advice and assistance relative to the management of the Estate, to examine the acts and intromissions of the Trustee, to audit his accounts, decide as to paying or postponing payment of a dividend, fix his remuneration, and to concur with him in submissions and compromises, subject always to the control of general meetings, all as hereinafter provided; and they may assemble at any time, to ascertain the situation of the Bankrupt Estate; and any *One* of them may make such report as he may think proper to a general meeting of the Creditors.

49.
Offer of composition may be made at the first meeting in manner after mentioned.

And be it Enacted, That at the said first meeting, or at the second or any subsequent meeting, called for the purpose, it shall be competent for the Bankrupt, or, in case of his death, for his nearest of kin, heirs, executors or representatives; and, in the case of the Sequestration of a Company, for any *One* or more of the Partners thereof, to make an offer of composition to the Creditors on the whole debts due by the Bankrupt, with security for payment of the same, as hereinafter provided; and at the said first, or at any of the said other meetings, the *majority* in number and value of the Creditors present may resolve that the personal protection of the Bankrupt ought to be recalled, and in such case the Trustee shall apply to the Sheriff, who, on being satisfied that there is lawful cause, shall withdraw the protection, and he is hereby empowered to do so accordingly; and at the first or any of the said meetings *Four-fifths* in value of the Creditors present may authorize the Trustee to pay from time to time to the Bankrupt, or to the Partners of a Company (if the Sequestration be of a Company Estate) such sum of money out of the Estate as they shall think proper for subsistence, until the period assigned for the second dividend; but such allowance

Recall of personal protection.

Allowance to bankrupt.

allowance shall not exceed *Three Guineas* per week to the Bankrupt, or to each individual partner of a Company, from the date of the Sequestration to the period aforesaid, and shall not amount to more than *Five Pounds* per centum on the net produce of the estate; and and no allowance shall be given if the Bankrupt shall not have complied with the provisions of this Act.

50.
Appeal against election and confirmation of Trustee.

And be it Enacted, That any Creditor, on giving notice in writing to the Sheriff-Clerk within *Two Days* after the date of the Sheriff's Interlocutor declaring and confirming the election of the Trustee, of his intention to appeal to the Court of Session against such Interlocutor, shall be entitled so to appeal, provided a bond of caution by the competitor for the office of Trustee, in support of whose election he intends to appeal, signed by a cautioner approved of at the said meeting, shall be lodged with the Sheriff-Clerk, and a written reclaiming note against such Interlocutor shall be lodged with, and marked by the Clerk of the Bill Chamber within *Fourteen Days* from the date of such Interlocutor; and on a copy of such reclaiming note, certified by the Bill Chamber Clerk, being delivered to the Sheriff Clerk, he shall forthwith transmit to the Bill Chamber Clerk the Minutes of Election, together with such of the oaths, vouchers, and objections as may be required, and the Sheriff shall make up a report of the election and the grounds of his decision, which shall be transmitted along with the said documents; and the Inner House shall thereupon hear parties viva voce, and decide which of the competitors has been duly elected; or if they see cause, order a new election, and appoint a time and place for that purpose, and if the party appealing shall be preferred, the Inner House shall remit to the Sheriff to issue an act and warrant to that effect, and proceedings shall then take place as if he had been originally elected and confirmed: Provided always, That no part of the expense of such competition shall be paid out of the Estate, but all the expenses shall be ordered to be paid by the unsuccessful party to the successful party; and if a new election be ordered, each party shall pay his own expenses.

Expenses how to be paid.

51.
Appeal in the event of a new election.

And be it Enacted, That if the appealing competitor, or any other Person, shall on such new election be confirmed Trustee, an act and warrant shall be issued in his favour, and proceedings shall take place as aforesaid, and if the appealing competitor, or any other Person, be elected and declared, an appeal may be made in manner before provided; and if such appealing competitor, or other person shall be elected and finally confirmed, the acting Trustee shall thereupon deliver to the new Trustee the Estate of the Bankrupt, with the title deeds, books and documents in his possession, and account to him for his intromissions; Provided always That the Creditors may, at any general meeting (which, if required, the new Trustee shall call), make

Transfer to new Trustee.

Remuneration and expenses to be paid to Trustee, if removed.

make an allowance to the acting Trustee for his trouble during the period of his administration; and the new Trustee shall pay the sum so allowed, and also any expenses lawfully incurred by the acting Trustee, relative to the administration of the Estate.

52.
Appeal not to stop Sequestration.

And be it Enacted, That no such appeal shall have the effect to stop the proceedings in the Sequestration, but the same shall go on as if no such appeal had been entered.

53.
Entry of Confirmation in register of Adjudications.

And be it Enacted, That the Trustee, whether an appeal has been entered or not, shall, within *Eight Days* after his election is confirmed, cause an entry to be made in the Register of Abbreviates of Adjudication, in the form of Schedule (L.) hereunto annexed; and a like entry shall be made in the same Register within *Eight Days* after the election of each new Trustee shall be confirmed.

54.
Act and warrant evidence of trustee's title.

And be it Enacted, That the extract of the act and warrant issued by the Sheriff-Clerk, as aforesaid, to the Trustee, shall be lawful evidence of his right and title to the said Estates, for the purpose of this Act; and a copy of the said act and warrant, authenticated by the seal of the Court of Session, shall be received in all courts and places within England, Ireland, and His Majesty's other dominions, as good evidence of the Trustee's title, and shall entitle him there to sue all actions whatsoever, in the same way as the Bankrupt might have done if his Estates had not been sequestrated.

55.
Trustee to recover estate.

And be it Enacted, That the Trustee shall proceed with all dispatch to recover the Estate belonging to the Bankrupt, both at home and abroad, and to convert the same into money, according to the directions given by the Creditors, or, if no special directions be given, with the advice of the Commissioners.

56.
Interim Factor and Trustee must lodge money in bank.

And be it Enacted, That the Interim Factor shall lodge all money which he may receive in such bank as the Sheriff shall appoint, failing which, in one or other of the banks hereinafter specified; and the Trustee shall lodge all money which he may receive, in such bank as *Four-fifths* of the Creditors in number and value at any general meeting shall appoint, and failing such appointment, into one or other of the following banks, videlicet, the Bank of Scotland, the Royal Bank of Scotland, the Bank of the British Linen Company, the Commercial Bank of Scotland, or the National Bank of Scotland, as the Trustee may select, (provided that the bank shall not be one in which the Interim Factor or Trustee shall be an acting partner, manager or cashier), and that, upon a deposit account in either case in the name of the Estate, at the highest rate of interest which can be procured for the same, and the bank in which such money shall be lodged, shall, *once* yearly at the least, accumulate the interest accruing upon such money, with the principal sum, so that both shall thereafter bear interest as principal; and if the said bank fail so to accumulate the interest, such bank shall be liable nevertheless to account for such money, as if it had been accumulated in manner herein directed.

57. Liability for Twenty per cent. on money not lodged.

And be it Enacted, That if either the Interim Factor or Trustee shall keep in his hands more than *Thirty Pounds* of cash belonging to the Estate for more than *Ten Days*, he shall be liable to the Creditors in interest and damages at the rate of *Twenty* per centum per annum on the excess of the said sum of *Thirty Pounds*, for such time as it shall be in his hand beyond the said *Ten Days*; and he shall be dismissed from his office upon petition to the Lord Ordinary by any Creditor, unless the Lord Ordinary shall be satisfied that the money has been kept entirely from innocent and accidental causes.

58. Trustee to apply to Sheriff to appoint day to examine Bankrupt, and for second meeting of Creditors.

And be it Enacted, That the Trustee, within *Eight Days* after the date of the act and warrant in his favour, shall apply to the Sheriff to the name a day, not less than *Eight Days*, nor more than *Fourteen Days*, from the date of his petition, for the public examination of the Bankrupt; and the Sheriff shall issue his warrant for the Bankrupt to attend at a certain day and hour, within the Sheriff Court-house, or other convenient place; and on the Sheriff granting warrant as aforesaid, the Trustee shall publish an advertisement in terms of Schedule (M.) hereunto annexed, in the Edinburgh Gazette, intimating to the Creditors his election as Trustee, with his name and designation, the day, hour and place fixed for the examination of the Bankrupt, and the day, hour and place for holding a general meeting of the Creditors, not sooner than *Fourteen Days* after the closing of the examination, with notice, that at such meeting the Creditors shall give directions as to the estate and person of the Bankrupt, and determine as to any offer of composition.

59. Warrant to apprehend Bankrupt for examination.

And be it Enacted, That if the Bankrupt is incarcerated for debt in Scotland, the Sheriff may grant warrant to Magistrates and Gaolers, on receiving a duplicate of such warrant, and an acknowledgment for the person of the Bankrupt, to deliver him up to the officer presenting the same, and they shall do so accordingly; and such warrant shall be sufficient authority to transmit, detain, and (if necessary for safe custody) to incarcerate the Bankrupt until his examination is concluded, and also for his re-transmission after examination to the Gaol from which he was delivered up: and the Sheriff may also grant warrant to bring the Bankrupt, or any other person required to be examined, from the Sanctuary, which warrant shall protect him against arrest for debt while under examination, and on his way to the place of examination, and on his way returning to the sanctuary; and if the Bankrupt cannot conveniently be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful cause prevented from attending at the time and place appointed, or is abroad, or if any person ordered to be examined other than the Bankrupt cannot conveniently be brought from the Sanctuary, or cannot be examined by the Sheriff in Gaol or in the Sanctuary, or is prevented as aforesaid, or is abroad, the Sheriff may in either case grant commission to take the examination; and where the Bankrupt cannot be examined, the Trustee may proceed with such other examinations as are hereinafter directed; and the Sheriff may, if he shall see cause, adjourn the examination of the Bankrupt to a subsequent day, to be then fixed; and may, on the application of the Trustee, order him to be examined as often as he shall see fit; and the examination may, at the discretion of the Trustee or of the Sheriff, be upon oath: Provided that where such warrants are executed furth of the jurisdiction of the Sheriff granter thereof, they shall be enforced either by letters of supplement under the Signet, or by indorsation thereof by the Judge Ordinary of the bounds.

60.
Warrant when he is in England or Ireland.

And be it Enacted, That if the Bankrupt be in any part of Great Britain and Ireland other than Scotland, at large or in custody in respect of a civil debt, the Lord Ordinary may, on petition by the Trustee, grant warrant, under the seal of the Court of Session, to all Judges, Justices and Officers of the law, if the Bankrupt be at large, to aprehend and transmit him to the place of his examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in custody, the Lord Ordinary shall grant warrant, under seal as aforesaid, to Magistrates and Gaolers, upon receiving a duplicate of such act and warrant, and an acknowledgment for the person of the Bankrupt, to deliver him up to the messenger or officer presenting such warrant; and such warrant shall be sufficient authority for the transmission, detention and incarceration of the Bankrupt (where necessary for his safe custody), for the purpose of examination, and for his re-transmission after examination to the custody from which he was so delivered up.

61.
Other persons may be examined, and if necessary apprehended.

And be it Enacted, That the Sheriff may, at any time, on the application of the Trustee, order an examination of the Bankrupt's wife and family, clerks, servants, factors, law agents and others, who can give information relative to the Bankrupt's Estate, either by way of declaration or on oath, as to the Sheriff shall seem fit; and the Sheriff shall, on the application of the Trustee, issue his warrant to all of the said persons to appear, and if they refuse or neglect to appear when duly summoned, the Sheriff shall issue another warrant to apprehend the person so failing to appear, and such warrants, when it is necessary to execute them beyond the jurisdiction of the Sheriff, may be enforced by letters of supplement under the Signet, or by the indorsation thereof by the Judge Ordinary of the bounds: Provided always, That where any person is required to be examined other than the Bankrupt or one of his family, or his clerk or servant, it shall not be competent to issue a warrant for apprehension of such person till the expiration of *Eight Days* from the service of the first warrant, unless the Trustee shall make oath that he has reason to believe that such person intends to leave the country to avoid the examination, and shall specify on oath a reasonable cause of belief.

62. Must answer all lawful questions, &c.

And be it Enacted, That on such persons appearing for examination, they shall answer all lawful questions relating to the affairs of the Bankrupt, and the Sheriff may order such persons to produce for inspection any books of account, papers, deeds, writings, or other documents in their custody, relative to the Bankrupt's affairs, and cause copies thereof to be delivered to the Trustee: Provided always, that persons other than the Bankrupt, who may be summoned to attend for examination, shall be entitled to such allowances as witnesses are in other cases entitled to, and the amount of which, if disputed, shall be fixed by the Sheriff.

63. Effect of refusal to answer, &c.

And be it Enacted, That if the Bankrupt, or any other person brought up for examination, shall refuse to be sworn, or to answer to the satisfaction of the Sheriff any lawful question put to him by the Sheriff or Trustee, or any Creditor with the sanction of the Sheriff, or without lawful cause shall refuse to sign his examination, or to produce books, deeds, or other documents in his custody or power relating to the estate, the Sheriff may grant warrant to commit him to prison, there to remain until he comply with the order; which warrant shall specify the question and answer, book, deed, document, or the refusal to swear or to sign the examination; and such warrant shall not be subject to the review of the Court of Session, but the Bankrupt or person incarcerated may apply by petition to the Lord Ordinary for a recall of the warrant, and the Lord Ordinary shall order the petition to be served on the Trustee or the said Creditor, and allow him to lodge answers thereto within such time as he shall think proper; and shall thereafter hear parties, vivâ voce, and pronounce judgment thereon, which judgment shall be final and not subject to review.

64. Bankrupt may correct his state and must take oath.

And be it Enacted, That the Bankrupt, before the close of his examination, may make such additions to or alterations upon the state of his affairs as may have occurred to him to be necessary, to give a full view of his affairs, which state, with the additions and alterations, shall be engrossed in the Sederunt Book, and subscribed by the Sheriff, the Bankrupt and the Trustee, and the Bankrupt shall then take the following oath, which shall also be engrossed in the Sederunt Book, and subscribed as aforesaid; and where the Bankrupt is a partner with others, and examined respecting the affairs of the co-partnership, the words of the oath shall so far be varied as to make it applicable to the case:

OATH.

"I do, in the presence of Almighty God, and as I shall answer to God at the great day of Judgment, solemnly swear that the state of my affairs engrossed in this book, contains a full and true account, to the best of my knowledge and belief, of all the debts, of whatever nature, due to me, and of all my estate and effects, heritable and moveable, real and personal, the necessary wearing apparel of myself, my wife and family only excepted, as well as of all claims which I am entitled to make against any person or persons whatsoever; and of all estate in expectancy, or means of whatever kind to which I have an eventual right by contract of marriage, trust-deed, settlement, deed of entail, or otherwise; and that the said state likewise contains a full and true account of all debts due by me or demands upon me, and that I have delivered up the whole books, documents, accounts, title-deeds, and papers of every kind belonging to me, which in any way relate to my affairs, and which were in my possession or under my power, and that I have made a full disclosure of every particular relating to my affairs: And further, I promise and swear that I will forthwith reveal all and every other circumstance or particular relative to my affairs, which may hereafter come to my knowledge, and which may tend to increase or diminish the Estate in which my Creditors may be interested directly or indirectly.

"So help me GOD."

65.
Latent partners must disclose themselves.

And be it Enacted, That if any latent partner of a Company shall not, by intimation to the Trustee, acknowledge that he is a partner on or before the day appointed for the examination of the Bankrupt partners, he shall not be entitled to any of the benefits or privileges of this Act, unless in an application for the same he satisfy the Lord Ordinary that the omission proceeded from innocent mistake or ignorance of the proceedings, and unless he shall then follow out all necessary steps for remedying the loss and inconvenience thence arising.

66.
SECOND GENERAL MEETING.
Trustee to exhibit state.
Creditors to give directions as to estate, and do other acts.

And be it Enacted, That within *Fourteen Days* after the examination of the Bankrupt, the Trustee shall prepare a report, setting forth the situation of the Estate, and an estimate of what it may produce; which report he shall exhibit at the said second general meeting of the Creditors to be held as aforesaid after the examination of the Bankrupt, and give all explanations relative thereto; and the Creditors then assembled shall examine into the state of the Bankrupt's affairs, and shall receive any offer of composition, as hereinafter provided, and give any directions to the trustee which may appear to be necessary for the recovery, management and disposal of the Estate, and for the sale of the heritable Estate, in manner hereinafter provided.

67.
Meetings may be called at any time on due notice.

And be it Enacted, That the Trustee or any Commissioner may at any time call a general meeting of the Creditors; and the Trustee shall call such meeting when required by *One-fourth* in value of the Creditors ranked on the Estate; and wherever it is in this Act directed that a meeting of Creditors shall or may be called or held, a notice of the day, hour, place and purpose of the meeting shall be advertised in the Edinburgh Gazette, and if specially directed, also in the London Gazette, *Fourteen Days* at least before the day of the meeting; and it shall not in any case be necessary to send any notification, as is by this Act directed to be sent by post, to any Creditor whose debt shall be under *Twenty Pounds*, unless the Creditor shall have given directions in writing that such notification shall be sent; and it shall not be necessary to send such notification in any case to any Creditor who shall have given directions in writing that such notification shall not be sent.

Notices to be given through post office, unless forbid.

68.
Resolutions of Creditors to be subject to review.

And be it Enacted, That the resolutions of the Creditors at such meetings shall be subject to review of the Lord Ordinary or the Sheriff, in the option of the complaining party, provided a note of appeal shall be lodged with the Bill Chamber Clerk within *Fourteen Days* after the date of the meeting, or (as the case may be) in the hands of the Sheriff-Clerk within the like period; and the Lord Ordinary or the Sheriff shall (as the case may be), if they see fit, on hearing parties, either appoint a meeting of Creditors to reconsider the question, or confirm or alter the resolutions of the Creditors.

69.
Trustee to keep Sederunt-Book, and send copy to Clerk.

And be it Enacted, That the Trustee shall keep regular accounts relative to the sequestrated Estate, and also a Sederunt Book, in which he shall record all minutes of meetings of Creditors and of Commissioners, states of accounts, reports, articles of roup, and all the proceedings necessary to give a correct view of the management of the Estate; and he shall transmit to the Bill Chamber Clerk, before each of the periods hereinafter assigned for payment of a dividend, a copy, certified by himself, of such book of accounts and Sederunt Book; and such copies shall be preserved in the office of the said Clerk.

70.
Interim Factor and Trustee amenable to Lord Ordinary and Sheriff.

And be it Enacted, That the Interim Factor, Trustee and Commissioners, shall be amenable to the Lord Ordinary and to the Sheriff to whom the Sequestration shall have been remitted, although resident beyond his territory, by summary petition served on them; and when the petition is presented to the Sheriff, it shall be competent to cite them, at the instance of any party interested, to account for their intromissions and management under the Sequestration, by supplemental warrant from the Sheriff within whose jurisdiction they may be resident.

71.
Removal of Trustee.

And be it Enacted, That *Four-fifths* in value, and a *majority* in number, of the Creditors, shall be entitled, at any meeting to be called by an advertisement published in the Edinburgh Gazette at least days before such meeting, specifying the purpose of the meeting, without assigning any reason, to remove or to accept the resignation of any trustee; and it shall also be competent at any time for *One-fourth* of the Creditors in value to apply, by summary petition, to the Lord Ordinary, praying that the Trustee shall be removed, and the Lord Ordinary shall order the said petition to be served on the Trustee, and intimated in the Edinburgh Gazette; and if thereafter the Lord Ordinary shall be satisfied that sufficient cause has been shewn, he shall remove the Trustee, and appoint a meeting of the Creditors to be held, for devolving the Estate on the Trustee next in succession, or electing a new trustee; and if the Trustee shall die, resign, or be removed by the Creditors as aforesaid, or remain at any one time for *Three Months* forth of Scotlond, any Commissioner, or any Creditor ranked on the Estate, may apply to the Sheriff for an order to hold a general meeting for devolving the Estate on the next Trustee in succession, or electing a new Trustee; and the Sheriff shall, on proper cause shewn, grant warrant to hold such meeting at a certain time and place, which shall be advertised in the Edinburgh Gazette by the Commissioner or Creditor so applying; and on the day and at the place so appointed the Sheriff shall attend, and the Creditors may devolve the Estate on the next in succession or elect a new Trustee; and in all cases of a new election, the Trustee shall be confirmed, and the decree of confirmation be subject to review, all in manner hereinbefore provided in the case of the first election.

72.
VESTING ESTATE IN TRUSTEE.
Whole estate to be vested in Trustee as at the date of the first deliverance.

And be it Enacted, That the whole Estate of the Bankrupt, wherever situated shall, in so far as attachable for debt, be held as sequestrated in manibus curiæ and appropriated for behoof of the Creditors according to their respective rights and interests, and shall, by virtue of the Act and warrant in favour of the Trustee ipso facto, be transferred to and vested in the person of the Trustee, as at the date of the first deliverance in the Sequestration for the purposes of this Act, with every right, title and interest which was then in the Bankrupt, and that without the necessity of sasine, intimation, actual possession, or any other mode of completing the real right thereto; and no Creditor or purchaser whose right or security shall not have been made perfect at the date of the first deliverance, by sasine, intimation, actual possession, or other mode of completing the real right thereto, shall be admitted into competition with the right so vested in the Trustee: Provided always, That persons holding onerous rights not challengeable under this or any other Act, shall be entitled to complete and make the same effectual at any time prior

Superior's rights and limitations of Bankrupt's right not to be affected.

prior to the Trustee being declared confirmed in such manner as is by law competent: And provided further, That the transfer of the heritable Estate to the Trustee shall have no effect upon the rights of the superior, or upon any question of succession between the heir and executor of any Creditor claiming on the sequestrated Estate; and if any part of the Bankrupt's property be entailed or otherwise limited, the right vested in the Trustee shall be effectual only to the extent of the interest in the Estate which the Bankrupt might legally convey, or which the Creditors might validly attach.

73.
Sequestration to be equivalent to an adjudication in competition.

And be it Enacted, That where the Sequestration shall be dated within *year and day* of any effectual adjudication, the Trustee shall be entitled to rank with such adjudication as if he had obtained decree of adjudication for the whole debts of the Bankrupt, principal and interest, accumulated at the date of the Sequestration, and the subjects so adjudged shall be disposed of under the Sequestration according to the provisions of this Act.

74.
Estates in England, Ireland and other British dominions.

And be it Enacted, That all lands, tenements and hereditaments in England, Ireland, or in any of His Majesty's dominions to which the Bankrupt is entitled, and all interest to which he is entitled in any such lands, tenements or hereditaments, and of which he might according to the laws of England, Ireland, or other His Majesty's dominions, have disposed; and all such lands, tenements and hereditaments which he shall purchase, or which shall descend, be devised, revert to, or come to the Bankrupt before he shall have obtained his discharge, and all deeds, papers and writings respecting the same shall, by virtue of the said Act and warrant, vest in and belong to the Trustee for the purposes of this Act, as at the date of the first deliverance in the Sequestration: Provided, That where according to the laws of England, Ireland, or other His Majesty's dominions, any deed or conveyance would require registration, enrolment, or recording, the Act and warrant shall be so registered, enrolled, or recorded according to the laws of England, Ireland, or other His Majesty's dominions; and provided, that if any purchase is made by any person for valuable consideration, and in ignorance that the Sequestration has been applied for prior to the registration, enrolment, or recording of the said Act and warrant, such purchase shall not be invalidated by the existence of such Act and warrant, or the subsequent registration, enrolment, or recording thereof.

75.
Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

And be it Enacted, That if any Estate, wherever situated, shall at any time after the date of the Sequestration and before the Bankrupt has obtained his discharge, be in any way acquired by him, or descend, devolve upon, or revert to him, the Bankrupt shall forthwith notify the same to the Trustee; and on such Estate being acquired and made known as aforesaid, the Trustee shall present a petition to the Lord Ordinary, setting forth the circumstances, and the Lord Ordinary shall thereupon appoint intimation thereof to be made in the Edinburgh Gazette, and require all concerned to appear within a certain time for their interest; and after expiration thereof, and no lawful cause shewn to the contrary, the Lord Ordinary shall declare such Estate to belong to the Trustee for the purposes of this Act, and the proceeds thereof when sold shall be divided in terms of this Act as part of the common fund: Provided always, That the rights of the Creditors of the person from whom such Estate shall descend to the Bankrupt shall be reserved entire.

76.
Preference of ancestor's Creditors preserved.

And be it Enacted, That the rules of preference between the Creditors of the ancestor and those of the heir, shall not be altered by any thing contained in this Act; but if, before the Creditors of the ancestor lodge their claims, any dividends be declared or paid prior thereto in favour of the Creditors of the heir, then the rights of the Creditors of the heir to such dividends shall not be thereby prejudiced, reserving to the Creditors of the ancestor their preference out of the remaining Estate.

77.
Trustee may complete feudal titles, or grant such rights as Bankrupt could do.

And be it Enacted, That in all cases the Bankrupt shall be bound to grant all deeds necessary for effectually vesting his Estates in the Trustee, and also for the recovery thereof for the purposes of this Act; and if the Bankrupt's title to any of his Estates shall not have been completed, the Trustee may complete titles for behoof of the Creditors, either in his own person or in that of the Bankrupt; and the superiors thereof shall, if required, be obliged to enter the Trustee, or the purchaser from him, in the terms of an Act made in the twentieth year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for abolishing Ward Holdings:" Provided always, That the Trustee may, without making up a feudal title, grant conveyances of the heritable subjects belonging to the Bankrupt, with such procuratories, precepts, or other warrants as the Bankrupt might competently have granted.

78.
Provisions for cases where Bankrupts bound for obligations under charters, leases, &c.

And be it Enacted, That where the Bankrupt is a party to or in the right of any charter, lease or contract, and under express or implied obligations for feu-duty, rent or other return or prestation, the transference to the Trustee as aforesaid shall not be deemed an undertaking on his part, or on the part of the Creditors, to implement such obligation; but it shall be competent for the Creditors, at the second general meeting appointed to be held as hereinbefore directed, to resolve whether they will undertake such obligation; and the person in whose favour such obligation exists shall be entitled, within *Eight Days* after notarial intimation of the resolution of the Creditors, to reject any undertaking short of a full and complete obligation by *One* or more solvent parties in the room of the Bankrupt; and if such resolution shall not have been adopted, or, if adopted, it is not intimated within *Fourteen Days* after such meeting, such person may apply to the Sheriff, praying him to ordain the Creditors to make election and intimate their resolution within *Twenty Days* after the date of service on the Trustee; and, failing their doing so, the right under such charter, lease or contract, shall not be held as vested in the Trustee, or available to the sequestrated Estate, and it shall be competent to the said person to apply to the Sheriff by petition to have the right declared, irritated and vested absolutely in him; reserving always to such person all claims of damages against the sequestrated Estate, in consequence of any interruption or failure in the performance of the obligations under the charter, lease or contract: Provided always, That any resolution of the said meeting as to undertaking the said obligations, shall not bind any individual Creditor not present at the meeting, or objecting to the same, beyond the amount of his share or interest in the sequestrated Estate, unless he shall afterwards consent to or homologate the same.

79.
Trustee may get property adjudged to him, although heir of Bankrupt has made up titles.

And be it Enacted, That where Sequestration is awarded against any person after his death, and his heir or successor shall have made up a title to any part of his heritable property, the Trustee may apply by petition to the Lord Ordinary, praying that such heritable property shall be adjudged to him for behoof of the Creditors; and the Lord Ordinary shall order the petition to be served upon such heir or successor, and require him to answer the same within *Fourteen Days*; and if, on expiration of that period, no lawful cause is shewn to the contrary, the Lord Ordinary shall adjudge such property to belong to the Trustee in the like manner and to the same extent as it belonged to the deceased on the day of his death; and the Trustee shall, within *Eight Days* thereafter, cause such decree to be recorded in the Register of Abbreviates of Adjudication, as before provided.

To be recorded in register of Adjudications.

80.
Creditors may order heritable subjects to be sold judicially or otherwise.

And be it Enacted, That if any part of the Estate consists of heritable subjects, a *majority* of the Creditors in value at the said second general meeting, or at any other meeting called for the purpose, may resolve that the Trustee shall either dispose thereof by public sale, or bring them to judicial sale before the Court of Session; and if such resolution shall be adopted before proceedings for sale shall have been commenced by a Creditor holding a power of sale, or after the same, though commenced, shall have been unduly delayed, it shall not be competent for the Creditor to proceed under his power of sale, or otherwise to interfere with the sale by the Trustee, unless the Trustee shall unduly delay his proceedings in such sale.

81.
Subjects improperly included in Sequestration may be struck out.

And be it Enacted, That where any heritable subject is alleged to improperly comprehended in the Sequestration, or attempted to be sold by the Trustee, any person claiming right to such subject may present a Petition to the Lord Ordinary, praying to have such subject struck out of the Sequestration; and the Lord Ordinary shall appoint service thereof on the Trustee, and order him to answer within a certain time, and, on expiration of such time, the Lord Ordinary shall give judgment; and such question shall not be competent before the Sheriff.

82. Public sale of heritable subjects.

And be it Enacted, That such public sale shall be made by auction, at such place, time, upset price, articles of sale, and after such advertisement, as shall be fixed by the Trustee, with consent of the Commissioners; and if the subjects be sold, the Trustee shall, with concurrence of the Commissioners, grant a disposition to the purchaser, which disposition shall have the effect of conveying whatever right is in the Trustee, under burden, to the extent of the price, of the securities and liens, preferable to the right of the Trustee, but shall completly free and discharge the subjects of all securities and liens not preferable to the right of the Trustee, and of all diligence not completed at the date of the Sequestration.

Effect of on burdens.

83. Heritable Creditor may allow Trustee to sell.

And be it Enacted, That where any Creditor holding an heritable security over the Estate, or any part thereof, with a power to sell, shall concur with the Trustee in bringing it to sale, the Trustee shall sell the same in his own name, with consent of such heritable Creditor; and the Trustee shall be entitled to sell, at the same time, the right and interest belonging to the Creditors; and the articles of roup, and conveyance to the purchaser shall be executed by the Trustee, with consent of the said Creditor; and the discharge of the price therein contained shall completely free the subjects of all securities, liens and burdens which are postponed to the security held by the said Creditor; and the price shall be received from the purchaser by the Trustee, and divided by him among the parties entitled thereto, according to their several rights and preferences.

84. Heritable Creditor with power to sell may sell.

And be it Enacted, That any Creditor who holds an heritable security preferable to the right of the Trustee, with a power to sell, may sell in terms of his bond, notwithstanding the Sequestration; but the Trustee may compel the Creditor and the purchaser to account for any reversion of the price, by petition to the Lord Ordinary, or to the Sheriff, where such Creditor or purchaser is subject to his jurisdiction.

85. Judicial sale.

And be it Enacted, That if a *majority* of Creditors assembled as aforesaid shall determine on a judicial sale of the heritable subjects, the Trustee shall take the necessary measures for accomplishing the same; and the action of sale may be carried on as to a part of the Estate, and without any other proof of Bankruptcy than the Sequestration: Provided always, that the Bankrupt and every heritable Creditor in possession shall be cited in terms of law upon induciæ of *Fifteen Days*, whether within the kingdom or not, and it shall not be necessary to call any other parties; and on the subjects being sold, the price, after satisfying

Disposal of price.

any preferable securities, shall be paid by the purchaser to the Trustee, and the purchaser shall be entitled, upon full payment of the price, to a discharge from the Trustee, which, with the decree of sale, shall completely disburden the subjects, in the same way as in a proper action of ranking and sale.

Effect of decree of sale.

86. Expenses of sale as against heritable Creditors.

And be it Enacted, That the expenses of the Sequestration, and of the sale of heritable property in either of the ways hereinbefore provided, including the Trustee's commission, shall not be a burden on such part of the price as may be necessary to discharge the preferable securities thereon, but shall be payable out of the surplus; and no heritable or preferable Creditor shall be liable for the expense of such sale, unless he shall have consented that the Trustee should make the sale, or institute a process of sale.

87. Sequestration not to affect heritable Creditors' right to poind ground, &c. for one year's arrears of interest.

And be it Enacted, That any Creditor who holds a real security or lien over the heritable subjects of the Bankrupt, preferable to the right of the Trustee, shall not be prevented by the Sequestration from taking possession, or executing a poinding of the ground, or an action of maills and duties, but no such poinding shall attach any moveables belonging to the Bankrupt, unless the summons or letters shall have been executed prior to the date of the Sequestration; nor shall such poinding be available for payment of the principal debt, or for more than *One Year's* arrear of the interest of the said debt.

88. Acts and payments by Bankrupt after Sequestration, null except in certain cases.

And be it Enacted, That all acts done or deeds granted by the Bankrupt after the date of the Sequestration, unless with the consent of the Interim Factor or Trustee, shall be null and void; and the Trustee shall be entitled to recover any money paid by the Bankrupt to any Creditors after such date: Provided that if a party has bonâ fide purchased and is in possession of moveable effects from the Bankrupt for a price bonâ fide paid, or if he is ready to pay the price, he shall not be obliged to restore the effects so purchased; and if a Debtor, before he knew of the Sequestration, shall have paid his debt bonâ fide to the Bankrupt, he shall not be obliged to pay it a second time to the Trustee; and if a Creditor possessing any bill or promissory note, with recourse on other parties, or a security over any part of the Estate of the Bankrupt, shall have bonâ fide received payment of his debt, and given up such bill, promissory note, or security, he shall not be liable to repay the amount so received, unless the Trustee shall replace him in the situation in which he stood, or reimburse him for any loss or damage he has sustained.

89. Diligence Sixty Days before Sequestration, or after it, ineffectual.

And be it Enacted, That no diligence against the Estate or effects of the Bankrupt on or after the *Sixtieth Day* prior to the Sequestration, or after the date thereof, shall be effectual; and the funds or effects to which right shall have been obtained under such diligence, or the proceeds thereof, if sold, shall be made forthcoming to the Trustee, for behoof of the Creditors: Provided always, That the first arrester or poinder before the date of the Sequestration, who shall be deprived of the benefit of his diligence, shall be entitled to the expense bonâ fide incurred by him in such diligence, and shall have preference to this extent on the funds or effects so recovered.

Expenses of diligence.

90.
Preferences after the Sequestration, or be assigned to Trustee.

And be it Enacted, That if a Creditor shall, after the date of the Sequestration, obtain preference on, or payment out of, any Estate or effects belonging to the Bankrupt situated in or beyond Scotland, the same shall not be effectual, and he shall be bound to assign the same and repay to the Trustee the money which he has received, retaining any expense incurred bonâ fide.

91.
Preferences in case of a deceased Debtor.

And be it Enacted, That where a Debtor shall have been rendered notour Bankrupt at any time within *Four Months* before his death, and the Sequestration of his Estates is dated within *Seven Months* after his death, all preferences and securities acquired by legal diligence within the said *Four Months* or subsequent thereto, shall be of no effect; and all preferences or securities by any act or deed of the Debtor which have not been lawfully completed at least *Sixty Days* before his death shall, when Sequestration of his Estate is dated within *Seven Months* after his death be of no effect; and no confirmation as executor creditor, after the Debtor's death, where Sequestration is dated as aforesaid, shall give any preference or be of any effect in competition with the Trustee.

92.
Interim Factor or Trustee may be authorized to receive and open post letters.

And be it Enacted, That the Sheriff on a petition by the Interim Factor or Trustee, and on cause shewn, may order that, for a period not exceeding *Three Months* from the date of his order, all letters addressed to the Bankrupt shall be delivered by the Postmaster-general, or the officers acting under him, to the Interim Factor or Trustee, to be opened in presence of the Sheriff after written notice to the Bankrupt to attend, if within Scotland; and in case the letters shall relate in whole or in part to the Estate, they shall be placed in such custody as the Sheriff may direct, and the Sheriff may on cause shewn renew such order for a like period as often as shall be necessary.

93.
Trustees and Commissioners may submit and transact.

And be it Enacted, That the Trustee may, with consent of the Commissioners, compound or transact, or refer to arbitration any questions which may arise in the course of the Sequestration regarding the Estate or any part thereof, or the rights or claims of the Creditors or Bankrupt; and the warrant or decree-arbitral shall be binding and effectual on the Creditors and the Bankrupt.

94.
Creditors may purchase.

And be it Enacted, That when any property, heritable or moveable, is sold by virtue of this Act it shall be lawful for any Creditor, heritable or personal, to purchase the same: Provided always, That neither the Interim Factor, Trustee, or any Commissioner shall be entitled to purchase.

95. Realized estate to be a fund of division.

And be it Enacted, That the whole Estate, as before provided, shall, when reduced into money and and after paying all necessary charges with a commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the date of the Sequestration, and who shall be ranked according to their several rights and interests.

96. FIRST DIVIDEND. Creditors not lodging claims in due time not to receive payment of dividend

And be it Enacted, That no Creditor who has not lodged an oath and grounds of debt, in manner before provided, within *Six Months* from the date of the Interlocutor awarding Sequestration, shall be entitled to payment of the first dividend payable, as hereinafter provided; and no Creditor who has not lodged his oath and grounds of debt as aforesaid, within *Three Months* from the day fixed for payment of the first dividend shall be entitled to payment of the second dividend payable as hereinafter provided; and the same rule shall receive effect in regard to all subsequent dividends, so that when a Creditor has not lodged his oath and grounds of debt within *Three Months* from the day fixed for payment of the immediately preceding dividend or other specified time, he shall not be entitled to payment of any part of the next dividend: Provided always, That if a Creditor has not lodged his oath and grounds of debt in time to share in the first dividend, but has done so in time for the second dividend he shall be entitled, on occasion of payment of the second dividend, to receive out of the first of the remaining fund (if there is a sufficient fund for that purpose) a sum equal to the dividend he could have demanded if his claim had been made in due time for the first dividend; and the same rule shall apply as to all subsequent dividends.

Exceptions.

97. Trustee to make up and exhibit to Commissioners state of funds.

And be it Enacted, That on the expiration of *Six Months* from the date of the Interlocutor awarding Sequestration, the Trustee shall make up a complete state of the whole Estate of the Bankrupt, of the funds recovered by him and of the funds outstanding, specifying the cause why they have not been recovered, and of his intromissions and generally of his management, which state he shall forthwith exhibit to the Commissioners; and within *Eight Days* after the expiration of the said *Six Months* the Commissioners shall meet and examine the said state, and specially ascertain whether the Trustee has duly lodged the monies recovered by him in bank or not, and if he has failed to do so they shall debit him with *Twenty* per centum on all sums not duly lodged, and they shall audit his accounts, and settle the amount of his commission, and authorize him to take credit therefore in his accounts with the Estate, and they shall certify, by a writing under their hands engrossed in the

Commissioners within Eight Days after the Six Months to meet and resolve as to payment of dividend, &c.

Sederunt Book, the balance due to, or by the Trustee on his account with the Estate as at the expiration of the said *Six Months*, and they shall declare whether any and what part of the nett produce of the Estate shall be divided among the Creditors.

98.
Trustee within Eight Days to make up list of Creditors entitled, or not entitled, to payment of dividend.

And be it Enacted, That the Trustee shall within the said period of *Eight Days* make up a list of the Creditors whom he considers entitled to rank on the sequestrated Estate, and to draw a dividend, specifying the amount of their debts, and distinguishing whether they are ordinary Creditors, or preferable, or contingent; and he shall likewise make up a separate list of any Creditors whose claims he thinks ought to be rejected in whole or in part, assigning the grounds of his rejection; and the Trustee shall, immediately on the Commissioners resolving that a dividend shall be paid, give notice of the time and place of the payment (which time shall not be longer than days from the date of the advertisement) by advertisement in the first Edinburgh Gazette thereafter, and by circular letters, which he shall put, on the same day as the publication of the said advertisement, into the Post-office, addressed to each of the Creditors, and he shall notify to those Creditors whose claims have been rejected that they have been rejected, and specify the grounds of rejection, and also the amount of dividend to which such rejected Creditor would be entitled if not so rejected, or as near to the amount thereof as circumstances will permit; and if the grounds of objection be not obviated to the satisfaction of the Trustee, or an appeal entered as hereinafter provided, the claim shall be held as finally excluded.

To send notices to rejected claimants.

99.
Proceedings when Commissioners postpone the dividend.

And be it Enacted, That if it shall appear to the Commissioners that the dividend ought to be postponed, they shall authorize the Trustee to publish a notice in the next Edinburgh Gazette, postponing the same accordingly: Provided always, That the state of the funds shall notwithstanding be made up, and the accounts of the Trustee audited as before directed; and circulars containing a copy of the state and abstract of accounts, and of the minute of the Commissioners, shall be sent by post to the Creditors, unless the Commissioners shall otherwise direct.

100.
Rejected claimants may appeal within a limited period.

And be it Enacted, That any Person whose claim shall be rejected by the Trustee, or any Creditor dissatisfied with the admission of any claim, may appeal against his judgment to the Lord Ordinary, or to the Sheriff, in manner hereinafter mentioned: Provided, That if no appeal shall be brought before the expiration of from the date of the decision of the Trustee, both as it regards the admission and rejection of claims, shall be final and conclusive.

101. Trustee to make up Scheme of Division.

And be it Enacted, That immediately on the expiration of the said the Trustee shall make up a scheme of division of the fund directed by the Commissioners to be divided, and apportion the same among those Creditors whose claims have been sustained by him, and also those whose claims have been rejected, but who have appealed against his decision, according to their several rights and preferences.

102. Dividends to be paid; and those disputed or claimed by contingent Creditors to be lodged in bank.

And be it Enacted, That on the day and at the place appointed, being not more than *Seven Months* and *Eight Days* from the date of the Interlocutor awarding Sequestration, the Trustee shall pay to the several Creditors the dividends allotted to them respectively in terms of the said scheme; and he shall lodge in the bank appointed by the Creditors, or failing such appointment, in one of the banks above named, the dividends apportioned to those Creditors, the admission or rejection of whose claims has been appealed against, there to abide the discussion of such appeal; and he shall likewise lodge in bank as aforesaid, in a separate account in name of himself and the Commissioners, the dividends effeiring to contingent Creditors, or other claimants not entitled presently to uplift the same.

103. SECOND DIVIDEND. Trustee to make up State, &c. and Commissioners to resolve as in case of first dividend.

And be it Enacted, That on the expiration of *Three Months* from the day fixed for payment of the first dividend, the Trustee shall again make up a state, as hereinbefore provided, which he shall, within *Eight Days* after the expiration of the said *Three Months*, exhibit to the Commissioners, who shall meet and examine, audit and certify the state, in manner above specified, and direct what part of the Estate shall be divided; and if they shall direct the same to be divided, or shall postpone the same, the Trustee shall notify in the Gazette and by circular letters, all as in the case of the first dividend; and he shall also make up a list of Creditors whom he considers entitled or not entitled to payment of the dividend, in whole or in part, and give such notices, as aforesaid; and on the expiration of *Four Months* from the date of the first dividend, he shall frame a scheme of division all as hereinbefore provided; and it shall be competent to any Creditor to appeal in manner hereinbefore provided, within the said period of *Four Months*, against the decision of the Trustee: Provided always, That it shall be competent to any Creditor whose vote for the election of a Trustee has not been admitted, or has been rejected, to renew his claim and produce his grounds of debt at any subsequent period of the Sequestration, reserving to the Trustee and Creditors their right to object to the same.

Creditor whose vote has been rejected may renew his claim.

104. Dividends to be paid as in case of first dividend.

And be it Enacted, That on the expiration of *Four Months* and *Eight Days* from the date of the first dividend, the Trustee shall make payment of the dividend to those Creditors whose claims have been admitted by him, and their admission not appealed against; and shall lodge the dividends not then payable all in manner hereinbefore provided for the first dividend.

15.
Subsequent Dividends.
Same proceedings as in prior dividends.

And be it Enacted, That the like procedure shall be followed out at similar intervals of time thereafter, in order that a dividend may be made at the end of every *Four Months*, until the whole funds of the Bankrupt shall be collected and divided: Provided always, That if there be not funds ready for division at the times appointed for payment of a first or any subsequent dividend, the Trustee shall, as soon as there are funds, give notice in the Edinburgh Gazette, that at the end of *Twenty-one Days* thereafter, he will proceed to the examination of the claims which shall be previously lodged, and that no claim made after the said *Twenty-one Days* shall entitle the Creditor to a share of the funds; and the Trustee shall act accordingly.

106.
Winding up of estate, and close of Sequestration.
Proceedings for this purpose

And be it Enacted, That if on the lapse of *Twelve Months* from the date of Sequestration, it shall appear to the Trustee and Commissioners expedient to sell the heritable or moveable Estate and Effects and outstanding debts, and consigned dividends in which the Creditors have a contingent interest, by auction, in whole or in lots, so as to bring the Sequestration to a close, they shall fix a day for holding a meeting of the Creditors to take the same into consideration; and the Trustee shall, a *Fortnight* before the day appointed, send by post to the Creditors a circular notice of the time and place of the meeting, with a valuation of the Estate and Effects, and a list of the outstanding debts, and of the said consigned dividends; and if *Three-fourths* of the Creditors in value assembled at the said meeting shall decide in favour of a sale in whole or in lots, the Trustee shall sell the same accordingly by auction after notice thereof, published at least *Once* in the Edinburgh Gazette *One Month* previous to the sale, and in such other newspapers as the Creditors shall appoint.

107.
Discharge of Bankrupt on Composition.
Proceedings for this purpose, at the first general meeting.

And be it Enacted, That at the said first general meeting, it shall be competent for the Bankrupt, or, in case of his decease, his next of kin, executors or heirs, and in a case of a company, any *One* or more of the partners thereof, to make an offer of composition to the Creditors on the whole debts due by the Bankrupt with security for payment of the same; provided that notice thereof shall be given to the Interim Factor; and the Interim Factor shall advertise the offer and the security proposed in the Edinburgh Gazette, *Twenty-one Days* before the day appointed for the first general meeting; and if the Creditors present at such general meeting shall unanimously resolve that the offer and security should be accepted, the Trustee then appointed shall forthwith advertise, in the London and Edinburgh Gazettes, a notice that an offer of composition has been so made and approved of, and that the same will be decided upon at a meeting to be held on a specified day, being not less than *Twenty-one Days* thereafter; and he shall also transmit by post circular letters, containing a notice of such resolution to the Creditors claiming on the Estate or specified in the Bankrupt's state of affairs; and if, at the meeting so called, *Nine-tenths* of the Creditors or their Mandatories there assembled, shall accept the said offer and security, a Bond of Caution for payment of the composition in the terms agreed to by the Creditors, duly executed by the Bankrupt (or his nearest of kin, executors or heirs, as the case may be) and the proposed Cautioner, shall be forthwith lodged in the hands of the Trusteee; and the Trustee shall thereupon subscribe and transmit a report of the resolution of the meeting, with the said Bond, either to the Bill-Chamber Clerk, or to the Sheriff-Clerk, in order that the approval of the Lord Ordinary or of the Sheriff, (which ever may be selected by the Trustee) may be obtained thereto; and if, upon considering the said Report and Bond, and hearing any objections that may be stated by opposing Creditors, the Lord Ordinary or the Sheriff shall find that the offer, with the security, has been made in regular form, and has been assented to by *Nine-tenths* in number and value, of all the Creditors ranked, or entitled to be ranked, he shall pronounce an Interlocutor declaring the offer to have been duly accepted; and if he shall reject the vote of any Creditor he shall in his Interlocutor specify the grounds of rejection.

108.
Proceedings for discharge or composition at second general meeting.

And be it Enacted, That in like manner at the second general meeting, or at any subsequent meeting called for the purpose by the Trustee, with the consent of the Commissioners, the Bankrupt, or, in case of his decease, his next of kin, executors, or heirs, and in the case of a Company, any *One* or more of the partners thereof, may offer to the Creditors a composition on the whole debts due by the Bankrupt, with security for payment of the same; and if such offer, and the security shall be approved of by a *majority* in number, and *Four-fifths* in value of the Creditors present by themselves or mandatories, they shall direct the Trustee to call another meeting, to be held not less than *Twenty-one Days* thereafter; and the Trustee shall, *Fourteen Days* at least before such other meeting, advertise the same in the London and Edinburgh Gazettes, and send by post notices addressed to all the Creditors, in which he shall specify the time, place and purpose of the meeting, the offer and the security proposed, an abstract of the state and valuation made up relative to the Estate, so as to enable the Creditors to judge of the expediency of the said offer; and if, at the meeting so called, a *majority* in number, and *Four-fifths* in value of the Creditors or their mandatories present, shall accept the said offer and security, a bond of caution shall be lodged, and a report made, and

Interlocutors pronounced, all in manner hereinbefore provided in regard to an offer made at the first general meeting.

109.
Bankrupt on making declaration or oath to obtain discharge.

And be it Enacted, That on such Interlocutor being pronounced, in either of the cases above specified, the Bankrupt shall make a declaration, or, if required by the Trustee or any Creditor, an oath before the Lord Ordinary, or (as the case may be) before the Sheriff, that he has made a full and fair surrender of his Estate, and has not granted or promised any preference, and has not made or promised any payment, and has not entered into any secret or collusive transaction, to obtain the concurrence of any Creditor to the said offer; and in case the Bankrupt shall be at the time beyond the jurisdiction of the Court of Session or Sheriff, commission may be granted to any fit person to take such declaration or oath; and the Lord Ordinary or the Sheriff (as the case shall be), on being satisfied thereof, shall thereupon pronounce a decree, discharging the Bankrupt of all debts and obligations contracted by him, or for which he was liable at the date of the Sequestration, and shall declare him to be re-invested in his Estate, (reserving always the claims of the Creditors for the said composition against him and the cautioner); and the bond of caution shall be recorded in the books of the Court of Session or Sheriff Court; and an extract of the decree, when pronounced by the Sheriff, subscribed by the Sheriff Clerk, shall be forthwith transmitted to the Bill Chamber Clerk, who shall present the same, without enrolment, to the Lord Ordinary; and the Lord Ordinary shall thereupon confirm the same by a decree interponed thereto; and such decree shall operate as a complete discharge and acquittance to the Bankrupt, in terms thereof, and shall receive effect within Great Britain and Ireland, and other His Majesty's dominions.

110.
Trustee's accounts to be audited, and provision made for his expenses and commission.

And be it Enacted, That before the Lord Ordinary or the Sheriff shall pronounce the said decree, the Commissioners shall audit the accounts of the Trustee, and ascertain the balance due to or by him, and also fix the remuneration to be allowed to him for his trouble, subject to the review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the whole expense attending the Sequestration, and such remuneration shall be paid or provided for to the satisfaction of the Trustee and Commissioners, by the Bankrupt, before the said decree is pronounced: Provided always, That the Trustee and his cautioner shall be liable, on summary petition by the Bankrupt or his cautioner, to account for his intromissions and other acts as Trustee.

111.
Sequestration to go on notwithstanding offer of composition.

And be it Enacted, That notwithstanding such offer of composition and proceedings consequent thereon, the Sequestration shall continue, and the Trustee shall proceed in the execution of his duty as if no such offer had been made, until the said decree by the Lord Ordinary be pronounced, when the Sequestration shall cease and be at an end.

112.
Bankrupt and cautioner not to be entitled to object to claims, &c.

And be it Enacted, That neither the Bankrupt, nor the cautioner for the composition, shall be entitled to question or challenge any debt which the Bankrupt shall have given up in the state of his affairs as due by him, or admitted, (without special protest), to be reckoned in the acceptance of the said offer of composition; nor to challenge any preference, security, or lien, held by any Creditor, unless in the offer of composition such preference, security or lien, intended to be challenged shall be mentioned, and notice in writing given to the Creditors holders thereof: Provided always, That no Person who has not entered his claim as a Creditor before the date of the said decree confirming the offer of composition, shall be entitled to make any demand against the cautioner after the space of *Two Years* from the date of such decree; reserving to such creditor his claim for the composition against the Bankrupt and his Estate.

Claims against cautioner limited to Two Years.

113.
If offer of composition rejected, no other to be entertained unless agreed to by a majority in value ranked.

And be it Enacted, That after an offer of composition has been made and rejected, or has become ineffectual, no other offer of composition shall be entertained, unless a *majority* in value of all the Creditors ranked on the Estate shall assent in writing to such offer, which offer shall state the amount of composition, and the terms of payment, and be subscribed by the cautioner proposed, in which case a meeting shall be called by the Trustee for finally disposing of the same; and if at the meeting so called a *majority* in number and *Four-fifths* in value of the Creditors or their mandatories present shall accept the said offer and security, a bond of caution shall be lodged, and a report made, and Interlocutors pronounced, all in manner hereinbefore provided in regard to an offer made at the first general meeting.

114.
DISCHARGE WITHOUT COMPOSITION.
Proceedings for this purpose.

And be it Enacted, That it shall be competent for the Bankrupt, at any time after the second general meeting, provided the whole Creditors at such meeting shall have agreed to his discharge, to petition the Lord Ordinary or the Sheriff to be finally discharged of all debts contracted by him before the date of the Sequestration: Provided also, That every Creditor who has lodged his oath and grounds of debts as aforesaid, shall concur therein; or to present such petition on the expiration of the period assigned for payment of the first dividend, with concurrence of *Four-fifths* in value, and a *majority* in number of the Creditors ranked on his Estate; and the Lord Ordinary or the Sheriff (as the case may be) shall in either case order the petition to be intimated in the Edinburgh Gazette; and if, at the distance of not less than *Twenty-one Days* from the publication of such intimation, and on evidence being produced of concurrence as aforesaid, there be no appearance to oppose the same, the Lord Ordinary or the Sheriff (as the case may be) shall pronounce an Interlocutor, finding the Bankrupt entitled to a discharge; but if appearance shall be made by any of the Creditors, or by the Trustee, the Lord Ordinary or the Sheriff shall judge of any objections against granting the discharge, and allow a proof, if necessary, and either find the Bankrupt entitled to the discharge, or refuse the same, or annex such conditions thereto as the justice of the case may require.

115.
Bankrupt to take a declaration or oath before obtaining discharge.

And be it Enacted, That if the Bankrupt shall be found entitled to his discharge, he shall make a declaration, or if required by the Trustee or any Creditor, an oath before the Lord Ordinary or Sheriff that he has made a full and fair surrender of his Estate, and has not granted or promised any preference, or made or promised any payment, or entered into any secret or collusive transaction or compromise to obtain the concurrence of any Creditor to his discharge; and if the Bankrupt shall be at the time beyond the jurisdiction of the Court of Session or Sheriff, commission may be granted to any fit Person to take such declaration or oath to the discharge; and the Lord Ordinary or the Sheriff (as the case may be), on being satisfied thereof, shall pronounce a decree discharging the Bankrupt of all debts and obligations contracted by him, or for which he was liable at the date of the Sequestration; and an extract of the decree when pronounced by the Sheriff, and signed by the Sheriff-Clerk, shall forthwith be transmitted to the Clerk of the Bill-Chamber, who shall present the same without enrolment to the Lord Ordinary; and the Lord Ordinary shall thereupon confirm the same by a decree interponed thereto; and the said decree shall operate as a complete discharge and aquittance to the Bankrupt in terms thereof, and shall receive effect within Great Britain and Ireland, and all His Majesty's other dominions.

116.
Preferences, payments, and collusive agreements for discharge on composition, or otherwise, null.

And be it Enacted, That all preferences and payments granted or promised, and all secret or collusive agreements and transactions, for concurring in, facilitating or obtaining the Bankrupt's discharge, either on or without an offer of composition, and whether the said offer be accepted or not, or the discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such preference, or payment, or promise thereof, or entered into such secret or collusive agreement and transaction, the Trustee shall be entitled to retain his dividend; and he or any Creditor ranked on the Estate, may present a petition to the Sheriff or to the Lord Ordinary, praying that such Creditor shall be found to have forfeited his debt, and be ordained to pay *double* the amount of the preference or sum paid, or other consideration obtained, and if no lawful cause be shown to the contrary, decree shall be pronounced accordingly; and the sums which in such case may be recovered, shall, under deduction of the expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who shall not have received full payment of his debt, to raise a multiplepoinding in name of the Person who has obtained such preference, payment, or other consideration as aforesaid; and on the amount thereof being ascertained, it shall be divided among the Creditors who ranked or were entitled to be ranked in the Sequestration, according to their respective rights and interests: Provided always, That the said multiplepoinding shall be executed in terms of law against the Person who has obtained the preference, and notice thereof at the same time be inserted in the Edinburgh Gazette.

117. Bankrupt to forfeit privileges if participant in giving such preferences, &c.

And be it Enacted, That if the Bankrupt shall have been personally concerned in or cognizant of the granting or promising any preference or payment, or any secret or collusive agreement, or transaction as aforesaid, he shall forfeit all right to a discharge and all benefits under this Act; and such discharge, if granted, either on or without an offer of composition, shall be annulled, and the Trustee, or any *One* or more of the Creditors, may apply by petition to the Lord Ordinary, to have such discharge annulled accordingly.

118. If Bankrupt do not make a fair surrender, &c. to be punished.

And be it Enacted, That if it shall appear to the Creditors assembled at any meeting after the examinations, that the Bankrupt has not made a full and fair surrender of his Estate, or that he has disposed of or concealed any part of his funds, to the prejudice of his Creditors; or that his Bankruptcy has been fraudulent, they shall direct the Trustee to proceed against him, in terms of law, at the expense of the Estate; and it shall be competent to the Trustee, with concurrence of the Public Prosecutor, at the expense of the Estate, to prosecute the Bankrupt before the Sheriff, or the Court of Justiciary, as a fraudulent Bankrupt; and to this effect the Sheriff shall have full power and jurisdiction; and if the Creditors at such meeting shall decline to authorize a prosecution by the Trustee, it shall also be competent to any *Two* or more Creditors ranked on the Estate to prosecute the Bankrupt at their own instance, with concourse of the Public Prosecutor, for fraudulent Bankruptcy, as aforesaid.

119. Claiming or acting in the Sequestration not to discharge coobligants.

And be it Enacted, That where any Creditor has, along with the Bankrupt, another obligant bound to him for the whole or part of the debt, such obligant shall not be freed from his liability for such debt in respect of any vote or act done by the Creditor under this Act: Provided always, That it shall be competent to such obligant to require and obtain at his own expense from such Creditor an assignation to the debt, on making payment of the amount thereof, and in virtue thereof to enter a claim on the said Estate, if lawfully entitled to do so, in manner hereinbefore provided.

120.
JUDICIAL PROCEEDINGS.
Appeals, &c. the Lord Ordinary, and procedure.

And be it Enacted, That when any appeal is made from any resolution of the Creditors, or from any decision of the Trustee, or any complaint is presented against the Trustee or Commissioners, or any of the Creditors, to the Lord Ordinary, he shall appoint a copy thereof, and of his deliverance thereon, to be served on the respondent or his mandatory with an order to answer the same within such time as he shall judge proper; and he shall thereafter proceed to dispose of the case summarily, with or without a record, as he shall consider best.

121.
Appeals, &c. to the Inner-House, and procedure.

And be it Enacted, That when any appeal is under this Act competent to the Inner House, from any order, interlocutor, warrant, or judgment of the Sheriff, a reclaiming note shall be lodged with the Clerk of the Bill Chamber, and marked by him as so lodged within *Twenty-one Days* (unless herein otherwise provided), from the date of such order, interlocutor, warrant, or judgment, otherwise the same, shall be final, and not subject to review; and such appeal shall be proceeded in by the Inner House as speedily as the forms of Court will allow; and if such appeal be made in time of vacation, the Lord Ordinary may, on the application of either of the parties, give such orders for preparing the cause as shall appear necessary; and on the meeting of the Court such cause shall be enrolled in the Inner House Rolls; and where an interlocutor of the Lord Ordinary is brought under review, the same shall be by reclaiming note as in other cases; and where either such a reclaiming note is lodged, or an appeal is made to the Inner House, without any record having been made up, or if the record made up of it shall appear to be imperfect, the Inner House may remit the cause to the Lord Ordinary, or Sheriff, (as the case may be) with instructions to make up a proper record, and to pronounce such finding as to the expenses incurred as they shall see just.

122.
Appeals, &c. to the Sheriff, and procedure.

And be it Enacted, That when an appeal is made from any resolution of the Creditors, or from any decision of the Trustee, or any complaint is presented against the Trustee, or the Commissioners, or any of the Creditors, to the Sheriff, he shall appoint a copy of the note of appeal, petition, or complaint, and of his deliverance, to be served by the appellant on the respondent or on his mandatory, at least *Twenty-four Hours* before a diet to be appointed for hearing the parties vivâ voce; and at such diet the Sheriff shall hear the parties or their agents vivâ voce; and if the parties shall be agreed on the facts, the Sheriff may, without further procedure, decide, provided he shall, in his interlocutor, specify the agreed on facts, and assign the grounds of his judgment; but if the parties shall not be agreed as to the facts, or if the Sheriff shall see cause, he shall order minutes to be lodged by the parties respectively within a short time, containing their averments in fact and pleas in law, without argument; and he shall, on such minutes being lodged, again call the parties before him, for revising and adjusting and closing the record in his presence; and he shall thereafter make avizandum therewith as with a closed record, and proceed in the ascertainment of the facts, so far as not admitted, and the decision of the points of law involved therein as in a summary cause; and he shall, in pronouncing his interlocutor on the merits, assign the reasons of his judgment.

123.
Regulation by Sheriff of interim possession.

And be it Enacted, That in all such appeals, petitions and complaints, it shall be competent to the Sheriff to give such orders as may be necessary to regulate the interim possession and administration of the Estate.

124.
Appeals to House of Lords.

And be it Enacted, That an appeal to the House of Lords shall be competent in all cases not herein specially prohibited: Provided always, That if any appeal shall be made the Sequestration shall in all respects not inconsistent with or injurious to the interests which may be affected by the appeal, proceed without interruption.

125.
Annual Courts to be held by Sheriff as to sequestrations.

And be it Enacted, That the Sheriff of each county shall, on or before the *Twelfth* day of *November* in each year, appoint a day and hour between the *First* and *Twentieth* day of *December* thereafter, to hold a Court, with continuation of days, for Sequestration causes, and the Sheriff Clerk shall make up a roll of all Sequestration causes which have been remitted as aforesaid, and have been before the Sheriff for *Four Months* or upwards; and the Sheriff Clerk shall *Fourteen Days* before the day so appointed, publish in the Edinburgh Gazette, and in such other newspaper as the Sheriff may direct, an advertisement announcing the day and hour appointed, and requiring the Trustee and the Creditors on the several Estates to attend for the purposes hereinafter mentioned, and he shall at the same time publish a list of the said Sequestration causes to be called; and the said Court shall be held on the said day, and at the hour, and within the usual place where the Sheriff holds his courts, and the said causes shall be called in the order in which they stand in the said list; and the expense of the said advertisement shall be de defrayed equally by the said several Estates.

126.
Trustee to lodge report.

And be it Enacted, That *Forty-eight Hours* previous to the hour so appointed, the Trustee shall lodge with the Sheriff Clerk a report on the state of the Sequestration, and the causes, if any, which have retarded the winding up of the same, and he shall at the same time lodge a certified copy of his account-current with the Estate since the same was last audited by the Commissioners, or reported to a general meeting.

127.
Trustee to attend the annual court.

And be it Enacted, That the Trustee on each sequestrated Estate shall attend in court at the time and place aforesaid, and the said report shall

shall be read; and the Trustee shall thereafter answer any questions which any Creditor ranked on the Estate shall, with the sanction of the Sheriff, put to him thereanent, provided due notice shall have at least *Twenty-four Hours* before the hour so appointed been given to the Trustee that he should be required to answer relative thereto; and he shall also, if so required, exhibit the Sederunt-Book, Bank-Book, and whole vouchers of his disbursements, and if the Sheriff be not satisfied with the answer of the Trustee, or if he otherwise see cause, he shall order a general meeting of the Creditors of such Estate to be held at a certain time and place, which meeting shall be advertised in the Edinburgh Gazette by the Trustee and held accordingly; and if the Trustee shall fail to lodge such report or copy of the account, or to attend the said court without assigning a sufficient excuse to the satisfaction of the Sheriff, any Creditor may apply to the Lord Ordinary for his removal in manner herein mentioned, and to find him liable in the whole expenses occasioned by his improper conduct.

If Trustee fail to do so, Creditor may apply for removal.

128.
Agents in Court of Session may be agents in causes under this Act before the Sheriff.

And be it Enacted, That it shall be lawful for all agents, duly qualified to practise as such before the Court of Session, to practise as agents in all Sheriff Courts, in so far as relates to any of the proceedings authorized by this Act to be carried on before the Sheriff: Provided always, That they shall not be entitled to payment of any other or higher fees than those allowed by this Act, or legally exigible by other agents before such courts.

129.
Trustee to make an annual return to Sheriff-Clerk.

And be it Enacted, That each Trustee shall, on the *Thirty-first* day of *December* yearly, transmit to the Sheriff Clerk of the county a return, in the form of the Schedule marked (N.) hereunto annexed, of every Sequestration in which he is Trustee, and the Sheriff Clerk shall within *Fourteen Days* thereafter transmit, in the form of the said Schedule, to the Bill-Chamber Clerk a return of all the Sequestrations depending in the sheriffdom or ward whereof he is Clerk; and the Bill-Chamber Clerk shall cause the returns so made to be regularly inserted in a volume to be kept at all times in his office, and made patent to all concerned; and any Trustee who shall fail to make such return shall be removeable from his office at the instance of any Creditor, on a notice of *Twenty Days* previous to the next general meeting after the return ought to have been made.

130.
TRUSTEE'S DISCHARGE.
Proceedings for this purpose.

And be it Enacted, That after a final division of the funds the Trustee shall call a general meeting of the Creditors, by an advertisement in the Gazette and by letters addressed by post to every Creditor who has lodged a claim on the Estate, to consider his application for a discharge, and at such meeting he shall lay before the Creditors the Sederunt-Book and books of account, together with a list of unclaimed dividends, and the Creditors may then declare their opinion of his conduct as Trustee; and he may thereafter apply to the Lord Ordinary or the Sheriff, who on advising the petition and hearing any Creditor, with the minutes of the meeting, may either refuse or pronounce decree of exoneration and discharge; and such decree, if granted, shall be entered in the Register of Sequestrations, and the bond of caution for the Trustee delivered up.

131.
Trustee to lodge unclaimed dividends, &c. in bank.

And be it Enacted, That before his discharge the Trustee shall transmit the Sederunt-Book to the Bill Chamber Clerk, who shall thereupon intimate to the Trustee the Bank to which, in rotation, according to the enumeration hereinbefore contained, the unclaimed dividends are to be deposited; and the Trustee shall forthwith transfer the whole dividends, not then claimed, to such Bank, to be there entered in an account to be kept under the title of "Account of Unclaimed Dividends;" and a book or books shall be kept at the office of the Bill Chamber Clerk, showing such rotation, and containing a list, with the names arranged alphabetically, of all the Creditors entitled to such unclaimed dividends, and in what Bank deposited, which shall be patent to all Persons; and after the discharge of the Trustee, it shall be competent for any Person producing evidence of his right, to apply to the Lord Ordinary for authority to receive such dividends; and on the Lord Ordinary being satisfied of the claimant's right, a warrant shall be granted for payment of such dividend, and upon such warrant the Bank shall pay the same: Povided always, That the claimant shall not be entitled to interest on such dividend, but all interest shall go into a general fund, to be called "The Interest Account of Unclaimed Dividends," which fund shall be applicable to the payment of expenses attending the management thereof in such manner as shall be regulated by Act of Sederunt of the Court of Session; and if at the end of *Twenty-five Years* from the date of closing any Sequestration, there shall remain in the Bank any unclaimed dividends belonging to the Estate, the same shall be vested in Government Stock; and the dividends thereon shall be regularly accumulated, for the purpose of forming a fund for defraying the expense of proceedings in Bankruptcy, or otherwise, as Parliament shall hereafter direct.

Claimants showing right to apply to Lord Ordinary.

Interest Account of unclaimed dividends.

132.
Surplus to be paid to Bankrupt.

And be it Enacted, That any surplus of the Bankrupt's Estate and Effects that may remain after payment of his debts, with interest, and the charges of recovering and distributing the Estate, shall be paid over to the Bankrupt, or to his heirs or assignees.

133.
Provisions as to perjury.

And be it Enacted, That if any Person shall be guilty of perjury in any Oath to be made in pursuance of this Act, he shall be liable to a prosecution for *Perjury*, either at the instance of His Majesty's Advocate, or at the instance of the Trustee, with the concurrence of His Majesty's Advocate, at the expense of the Estate, provided the prosecution shall be authorized by a *majority* in value of the Creditors present at a meeting to be called for the purpose; and such Person shall, on conviction, besides the usual punishment, forfeit to the Trustee, for behoof of the Creditors, his whole right, claim and interest in or upon the sequestrated Estate.

134. No Fee Fund dues exigible.

And be it Enacted, That from and after *the commencement of this Act*, no payment shall be exacted as a contribution towards the Fee Fund at presenting any of the Petitions, Appeals, reclaiming Notes or Complaints, or any Papers under this Act: Provided always, That, in place of the whole Fees heretofore exigible upon procceedings in Sequestrations, there shall be payable upon all proceedings under this Act, the fees which are set forth in the Schedule marked (O.) hereunto annexed, and no others.

Fees payable.

135. Acts of Sederunt may be made.

And be it Enacted, That it shall be lawful for the Judges of the Court of Session, by an act or acts of Sederunt, from time to time to establish such further regulations respecting the forms of proceeding under this Act, both in that Court and in the Inferior Courts, as shall appear proper for carrying its provisions into execution, according to the true meaning and intent thereof; and also a Table of Fees, fixing the remuneration to be allowed to agents, both in the Court of Session and Sheriff Court, for conducting the proceedings, which act or acts of Sederunt shall be transmitted by the Lord President of the Court of Session to the Secretary of State for the Home Department, that the same may be laid before both Houses of Parliament as soon as possible after the making thereof.

136. Act may be repealed or amended.

And be it Enacted, That this Act may be repealed, altered or amended during the present Session of Parliament; but if not so repealed, altered or amended, and so far as not repealed, altered or amended, it shall continue and be in force for *Seven Years* from and after the *passing thereof*, and from thence to *the end of the then next Session of Parliament.*

SCHEDULES referred to in this ACT.

SCHEDULE (A.)

Copy Denunciation of Insolvency.

I, A. B., [Messenger or Sheriff-officer], notify to you C.D. [name and designation], that you, having disobeyed the charge given to you [personally or at your dwelling-place, as the case may be,] by [name the Messenger or Officer by whom it was given] on the day of to pay to E. F. [name and designation] the sum [the sum for which the charge was given,] by virtue of [description of diligence,] dated the day of : Therefore I do hereby denounce you Insolvent, in terms of the Statute thereanent. This I do on the day of before these witnesses [names and designations of two witnesses.]

(signed) A. B.

SCHEDULE (B.)

Execution of Denunciation.

Upon the day of I, A. B., [Messenger-at-arms or Sheriff-officer,] lawfully notified to C. D. [name and designation,] that he having disobeyed the charge given to him by [name the Messenger or Officer] on the day of , to pay to E. F. [name and designation] the sum [sum for which the charge was given,] by virtue of [description of diligence,] dated the day of : Therefore I denounced him Insolvent, in terms of the Statute thereanent, a just copy of denunciation wherewith I delivered to the said C. D., [mention whether personally or at the dwelling-house, or place of trade, or of business, and if not personally, to whom delivery was made, and why not personally,] which copy was subscribed by me, and did bear the date hereof, with the witnesses' names and designations hereto with me subscribing, present at the premises [mention their names and designations].

G. H., Witness. A. B.
I. J., Witness.

SCHEDULE (C.)

Abbreviate of Denunciation.

A. B. [name and designation] denounced Insolvent, conform to execution, dated day of by C. D., [name and designation of Messenger or Officer,] at the instance of E. F. [name and designation,] for not making payment of [sum] in terms of a charge, dated day of in virtue of [description of diligence] dated day of
Execution of denunciation presented by [name and designation] and registered day of

A. B.

SCHEDULE (D.)

Register of Sequestrations.

DATE of First Deliverance.	NAME. and DESIGNATION.	TOWN or PLACE and COUNTY.	DATE of Awarding. If Recalled, Entry to be in this Column.	TIME and PLACE for Electing Trustee.	TRUSTEE'S Name and Designation.	TIME for lodging Claims, for Dividend.
1834: Jan. 1.	A. P. Merchant.	Glasgow, Lanarkshire.	22d Jan. 1834.	22 Feb. 1834. 12 o'clock, Tontine, Glasgow.	A. B. Merchant, &c., Glasgow.	22d June 1834.

SCHEDULE (E.)

Abbreviate for the Register of Inhibitions.

Petition for Sequestration of A. B. [designation].
Date of first Deliverance day of

SCHEDULE (F.)

Notice for the Gazette.

Sequestration of A. B. [designation.]

Dated [insert date of first deliverance]. Meeting to elect Trustee, at [place of meeting,] at [hour, day of week and month] next. Claims to vote at election, to be lodged with the Sheriff-Clerk [place], before Three o'clock on [day of week and month] next. The first dividend will be paid to those only who lodge Oaths and grounds of debt on or before the [insert date Five Months from awarding the Sequestration.]

(signed) P. Q. Agent.

SCHEDULE (G.)

Form of Bond of Caution for an Interim Factor or Trustee.

I. A. B. [designation] having been appointed Trustee [or, Interim Factor] on the sequestrated Estate of C. D. [designation] and I, E. F. [designation] as Cautioner, Surety and full Debtor for and with the said A. B., hereby bind and oblige ourselves, conjunctly and severally, our heirs and executors, that I the said A. B., will faithfully discharge all the duties which by law attach to the said office of Trustee [or Interm Factor], and fully account for my whole intromissions with the funds and effects of the said Estate, and make payment of any balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, or the said Cautioner liberated therefrom, by any omission, negligence or want of diligence on the part of the Creditors or Commissioners on the said Estate. In witness whereof this Bond [so far as not printed] written and filled up by [here shall be inserted in writing a Testing Clause in legal Form.]

O. T., Witness. (signed) A. B.
F. L., Witness. E. F.

[In case the Caution has been limited by the Creditors, the following Clause will be here inserted:—" And declaring further, that this Bond, so far as concerns the said E. F., shall not bind me or my foresaids to a greater extent than the sum of [here insert sum in writing] to which my obligation before written is hereby accordingly limited."]

SCHEDULE (H.)

SCHEDULE (H.)

ACT and WARRANT to the INTERIM FACTOR.

THE Sheriff of C. having appointed A. B. Interim Factor on the sequestrated Estate of D., and he having found Caution to the extent of Pounds, he is hereby invested with all the powers conferred by an Act passed in the fifth and sixth year of reign of His Majesty King WILLIAM the Fourth, intituled [insert the title of this Act.]

[Signed by Sheriff Clerk.

SCHEDULE (I.)

CLAIMS and OBJECTIONS in the ELECTION of TRUSTEE.

Names of the Creditors.	Amount of Debts.	Value of Securities.	Specified Balance.	Vouchers,&c., Referred to.	Objectors, and Names of Objectors.

SCHEDULE (K.)

ACT and WARRANT in FAVOUR of the TRUSTEE.

IN the Sequestration of the Estate of A. B. [designation].

The whole of the Estates and Effects, wheresoever situated, of the said A. B., are now vested in and belong to D. E. as Trustee for behoof of the Creditors of the said A. B.; and the said D. E. has, in terms of the Act of the fifth and sixth year of the reign of His Majesty King WILLIAM the Fourth, intituled [here insert the title of this Act], full right and power to sue for and recover all Estates, Effects, Debts and Money belonging or due to the said A. B.

(signed) C. D., Sheriff Clerk.

SCHEDULE (L.)

FOR the RECORD of ABBREVIATES and RECORDS in ENGLAND, &c.

THE whole heritable subjects and real Estate of A. B., [designation] are vested in the person of D. E., as Trustee on his sequestrated Estate, in terms of an Act of the fifth and sixth year of the reign of His Majesty King WILLIAM the Fourth, intituled [here insert the title of this Act], and have been so vested from and since [insert date of first deliverance].

SCHEDULE (M.)

For the GAZETTE.

SEQUESTRATION of A. B. [designation].

C. D. [designation] elected Trustee on the Estate. Examination in the Sheriff Court-house on [day of week] the of [month] next, at [hour] o'clock. The Creditors meet for giving directions, electing Commissioners and receiving any offer of composition, in the same place, on at Twelve o'clock.

SCHEDULE (N.)

ANNUAL RETURN by each Trustee on the Thirty-first day of December; and by each Sheriff Clerk within Fourteen days thereafter.

Name of Bankrupt.	Date of Sequestration.	Interim Factor and Trustee.	Dividend Paid or Unpaid.	Amount of Debts proved.	Allowance.	Protection.	Discharge or Composition.

SCHEDULE (O.)

TABLE OF FEES PAYABLE UNDER THIS ACT.

I. IN THE COURT OF SESSION.

	£.	s.	d.
(1.) To the Clerk of Process:			
On every Interlocutor awarding Sequestration, granting discharge to the Bankrupt, approving of Composition, or exonerating the Trustee, and entering the same in the Office Minute Book - - - - - -	–	5	–
On every Interlocutor specially adjudging heritable property to belong to the Trustee, and entering the same in the Office Minute Book - -	–	5	–
On every other Interlocutor or Judgment (not being merely an order for Papers, Revisals or such like), and entering same in the Office Minute Book - - - - - - - - - - - -	–	2	6
For entering the first deliverance and the Interlocutor awarding Sequestration in the Register of Sequestrations - - - - - -	–	1	–
For entering the name and designation of the Trustee - - - -	–	1	–
For every borrowing of the Proceedings, or any part thereof; and for every returning thereof, each - - - - - - - - - -	–	1	–
For every certified copy or extract from said Register of Sequestrations, or of any part of the proceedings, per sheet - - - - - - -	–	1	–
For inspection of the List of unclaimed Dividends, and certifying any extract made therefrom - - - - - - - - - -	–	1	–
On the lodging of the Sederunt Books, or copy thereof - - - - -	–	1	–
(2.) To the Keeper of the General Minute Book:			
For entering the first deliverance and act awarding Sequestration, adjudication and discharge, and approval of composition, each - - -	–	2	6
For entering any other decree, warrant or intimation - - - -	–	1	–
(3.) To the Extractors:			
For every extract made by them of the proceedings, or of the interlocutors or judgment of the Lord Ordinary or Inner House, per sheet - -	–	1	–

II. To the Keepers of the Records.

	£.	s.	d.
For entering Schedule (E.) in the Register of Inhibitions - - -	–	1	–
For entering Schedule (L.) in the Register of Abbreviates of Adjudications	–	1	–
For entering on the margin of any record the recall of Sequestration or discharge in favour of the Bankrupt - - - - - - -	–	1	–
For access to and liberty to make excerpts of proceedings under this Act, from any register or record appointed herein to be kept, or in which entries are herein appointed to be made, a fee of 1 *s.* for each year of the record inspected, but not exceeding in all for any one record - -	–	10	–
For extracts or certified copies therefrom, per sheet - - - -	–	1	–
For collating and certifying excerpts therefrom, per sheet - - -	–	–	6

III. Sheriff Court.

(1.) To the Sheriff Clerk :

	£.	s.	d.
On every Interlocutor pronounced by the Sheriff, appointing an Interim Factor, preferring a Trustee, appointing diets of examination, granting a discharge to the Bankrupt, approving of composition, or exonerating the Trustee - - - - - - - - - - - -	–	2	6
For every other Interlocutor or Judgment not being merely an order for papers or revisals - - - - - - - - - - -	–	1	–
For issuing, receiving back and examining bond of caution for an Interim Factor or Trustee, to be paid at the issuing of bond - - - -	–	2	6
For receiving and entering in Schedule (I.) each oath and objection and transmission thereof, to be paid by the Interim Factor or Trustee - -	–	–	6
For oath of the Bankrupt, and examinations of him or others, per sheet -	–	1	–
For every warrant of apprehension of the Bankrupt or others, or commission to take examination - - - - - - - -	–	2	6
For every backing of such warrant - - - - - - - -	–	1	–
For every certified copy, or extract of the proceedings before the Sheriff, or of any warrant, order, interlocutor or judgment pronounced by him, per sheet - - - - - - - - - - - -	–	1	–
For every annual Report of the depending Sequestrations, for each Sequestration to be paid by the Trustee - - - - - - - -	–	–	6
For every borrowing of all or any part of the proceedings - - -	–	–	6
(2.) To the Sheriff presiding at any meeting of Creditors, or examination for each such meeting or diet of examination, not being on the same day - - - - - - - - - -	1	1	–

Bankrupts' Estates (Scotland).

A

BILL

For regulating the Sequestration of the Estates
of Bankrupts in Scotland.

(*Prepared and brought in by*
The Lord Advocate, Mr. Attorney-General
and Mr. Robert Steuart.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1836.

99.

30 *March* 1836.—6 Will. IV.

(Ireland.)

A

BILL,

INTITULED,

AN ACT to amend the Laws relating to Bankrupts in *Ireland.*

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

Preamble.

1 WHEREAS it is expedient to amend the Laws relating to Bankrupts, and to consolidate the same so amended in one Act, and to provide means of administering and distributing the estate and effects of Bankrupts other than are now provided by law; BE it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT an Act passed in the Parliament of *Ireland* in the eleventh and twelfth years of the reign of King George the Third, intituled, "An Act to prevent Frauds committed by Bankrupts;" and also so much of an Act passed in the Parliament of *Ireland* in the seventeenth and eighteenth years of the reign of King George the Third, intituled, "An Act for the Amendment of the Law with respect to Outlawrys, returning Special Juries, and the future Effects of Bankrupts, in certain cases," as relates to the property of Bankrupts; and also an Act passed in the Parliament of *Ireland*
2 in the seventeenth and eighteenth years of the reign of King George the Third, intituled, "An Act to exclude Traders from the Benefit of an Act, intituled, 'An Act to prevent Frauds committed by Bankrupts,' who do not keep regular Books of Account, and for continuing the said Law, and other purposes;" and also an Act passed in the Parliament of *Ireland* in the nineteenth and twentieth years of the reign of King George the Third, intituled, "An Act to explain an Act, intituled, 'An Act to prevent Frauds committed by Bankrupts;'"

1.
Statutes repealed:

11 & 12 G. 3. (I.)

17 & 18 G. 3. (I.)

17 & 18 G. 3. (I.)

19 & 20 G. 3. (I.)

rupts;'" and also so much of an Act passed in the Parliament of *Ireland*
in the twenty-first and twenty-second years of the reign of King
21 & 22 G. 3. (I.) George the Third, intituled, "An Act for reviving, continuing and
amending several temporary Statutes," as relates to Acts relating to
Bankrupts; and also so much of an Act passed in the Parliament of
Ireland in the twenty-first and twenty-second years of King George
21 & 22 G. 3. (I.) the Third, intituled, "An Act for the Relief of Insolvent Persons under
a certain Description," as relates to Bankrupts; and also an Act passed
in the Parliament of *Ireland* in the twenty-sixth year of the reign of
26 G. 3. (I.) King George the Third, intituled, "An Act for the Relief of uncertificated
Bankrupts;" and also so much of an Act passed in the Parliament 3
of *Ireland* in the twenty-eighth year of the reign of King George
28 G. 3. (I.) the Third, intituled, "An Act for continuing the Acts relative to
Bankrupts, and for reviving, continuing and amending certain temporary
Statutes," as relates to Acts relative to Bankrupts; and also an Act
passed in the Parliament of *Ireland* in the thirtieth year of the reign of
30 G. 3. (I.) King George the Third, intituled, "An Act to repeal certain Clauses
in an Act passed in the seventeenth and eighteenth years of his
Majesty's reign, intituled, 'An Act to exclude Traders from the Benefit
of an Act, intituled, 'An Act to prevent Frauds committed by Bankrupts,'
who do not keep regular Books of Account; and for continuing
the said Law, and other purposes;'" and also so much of an Act
passed in the Parliament of *Ireland* in the thirty-sixth year of the
36 G. 3. (I.) reign of King George the Third, intituled, "An Act to make perpetual
the Laws for preventing Frauds committed by Bankrupts, also
for providing a Maintenance for Parish Clerks, and for continuing
certain other temporary Statutes," as relates to Bankrupts; and also
an Act passed in the Parliament of *Ireland* in the thirty-seventh
37 G. 3. (I.) year of the reign of King George the Third, intituled, "An Act for
the Relief of uncertificated Bankrupts;" and also an Act passed in the
Parliament of *Ireland* in the thirty-ninth year of the reign of King 4
39 G. 3. (I.) George the Third, intituled, "An Act for the Relief of uncertificated
Bankrupts;" and also an Act passed in the Parliament of *Ireland* in
the fortieth year of the reign of King George the Third, intituled,
40 G. 3. (I.) "An Act for the Relief of uncertificated Bankrupts;" and also an Act
passed in the Parliament of the United Kingdom of *Great Britain*
and *Ireland* in the forty-sixth year of the reign of King George the
46 G. 3. c. 135. Third, intituled, "An Act to amend the Laws relating to Bankrupts;"
and also an Act passed in the Parliament of the United Kingdom of
Great Britain and *Ireland* in the forty-ninth year of the reign of
49 G. 3. c. 121. King George the Third, intituled, "An Act to alter and amend the
Laws relating to Bankrupts," be and the same are hereby Repealed, save
so far as the same repeal any other Act: Provided, however, that all
matters heretofore done, or, until this Act shall take effect, to be done,
under the said Acts or any of them, shall be as valid and effectual
as if the said Acts were still in force.

And

2\.
Power of Commissioners named in subsisting Commissions to cease; and such Commissions to be proceeded in before the Commissioner to be appointed by virtue of this Act.
Not to invalidate any Proceedings which may have been had under such Commissions.

And be it Enacted, That all power, jurisdiction and authority of the Commissioners named in any Commission of Bankrupt which shall be subsisting at the time when this Act shall take effect shall cease and determine, and that every such Commission and all such power and authority shall be and is hereby transferred to the Commissioner to be appointed by virtue of this Act; and all further proceedings shall be thenceforth carried on in like manner as if such Commission had been originally issued by the Lord Chancellor, pursuant to this Act, to the Commissioner to be appointed by virtue of this Act: Provided always, That nothing herein contained shall render invalid any proceedings which may have been had under any Commission now subsisting, or which shall have been issued before this Act shall come into operation, or affect or lessen any right, claim, demand or remedy which any person now has thereunder, or upon or against any Bankrupt against whom any such Commission has or shall have issued as aforesaid, except as is herein specially enacted.

3\.
Lord Lieutenant may appoint Commissioner.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being to appoint a fit and proper person, being a Barrister at Law of not less than Ten Years standing at the bar, to be the Commissioner in all Commissions of Bankrupt to be issued pursuant to this Act, and to be called the Commissioner of Bankrupt; which Commissioner so to be appointed shall hold his office during good behaviour: Provided always, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors for the time being of *Ireland* to remove such Commissioner upon a certificate from the Lord Chancellor of some sufficient reason to be named therein for such removal.

4\.
All Commissions of Bankrupt to be issued by such Commissioner.

And be it Enacted, That all Commissions of Bankrupt issued under the Great Seal of that part of the United Kingdom of Great Britain and Ireland called *Ireland*, by virtue of this Act, shall be issued to the said Commissioner; and that such Commissioner shall, before he shall be capable of acting in the execution of any of the powers and authorities given him by virtue of this Act, take an oath in the presence of the Lord Chancellor to the effect following; (that is to say)

Oath of Commissioner.

> " I, *A. B.*, do swear, That I will faithfully, honestly and impartially, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me as Commissioner of Bankrupt, and that without favour or affection, prejudice or malice. So help me GOD."

And the Commissioner having once taken the said oath, shall not again be required to take the same so long as he shall continue in office.

5. Sums to be paid to the Commissioner.

And be it Enacted, That in lieu of the fees now payable for like matters, the said Commissioner shall receive and be paid by the agent to each Commission the fee of Three Pounds sterling for every sitting under such Commission, and the like sum for every conveyance executed by him, and for the signature of the Bankrupt's certificate; and the fees so payable shall, if not paid by the agent to the Commission, be charged on and paid by the assignees out of the estate of the Bankrupt; and if the Commissioner shall directly or indirectly receive from the Creditors or out of the estate of the Bankrupt any further sum than as aforesaid, he shall be disabled for ever from acting as such Commissioner of Bankrupt.

6. Commissioner not to practise as a Barrister, or sit in the House of Commons.

And be it Enacted, That no Commissioner to be appointed by virtue of this Act shall during his continuance in such office practise as a Barrister, or be capable of being elected a Member of the House of Commons.

7. Sums received by Commissioner to be paid by him into the Bank of Ireland, to the Bankruptcy and Compensation Fund Account.

And be it Enacted, That the several sums directed as aforesaid to be paid to and received by the Commissioner shall be paid by him, at such times as the Lord Chancellor shall by any order direct, into the Bank of *Ireland*, to the credit of the Accountant-General of the High Court of Chancery, to a separate account, to be entitled "The Bankruptcy and Compensation Fund Account;" and all monies to be so paid in to the said account shall be subject to such general orders touching the payment in, investment, accounting for, and payment out of such monies, for the purposes hereinafter provided, as the Lord Chancellor shall from time to time think fit to prescribe; but the same shall not be subject to the payment of any poundage to the Usher of the Court of Chancery.

8. Lord Chancellor may regulate Fees of Officers, &c.

And be it Enacted, That it shall and may be lawful for the Lord Chancellor from time to time to settle and regulate the Fees which shall be taken by and paid to the several Officers concerned in the issuing and suing forth and execution of every such Commission of Bankruptcy as aforesaid, and upon all Petitions and Proceedings in the execution thereof, other than such Fees as are hereby ordered, and, if he shall think fit, to direct that any of the said Fees shall be paid in to the Bankruptcy and Compensation Fund Account.

9. Compensation to existing Commissioners.

AND whereas the duties of the several persons now acting as Commissioners of Bankruptcy, and the fees and emoluments accustomed to be received by them, will be abolished by the provisions of this Act, and it may be just and necessary that in all or some of such cases Compensation should be made in respect of such fees so to be abolished; BE it Enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury, by examination on oath or otherwise, which oath they and each of them are and is hereby authorized to administer, to inquire into and ascertain the annual amount of the lawful fees and emoluments of such Commissioners received by them, and to award to all and every or to such one or more of the said Commissioners as they shall deem to be entitled to the same, an Annuity or Annuities, of such amount and for such term as the said Lords of the Treasury shall find to be a fair and reasonable compensation for the loss to be sustained by all or any of the said Commisioners by the abolition of the said fees, and shall certify the amount of such Annuities in writing under their hands to the Lord Chancellor, who shall thereupon have power to order the amount so certified as payable to each Commissioner to be paid out of the monies standing to the said Bankruptcy and Compensation Fund Account; and the same shall be payable and paid accordingly to the respective persons aforesaid, without any deduction whatsoever: Provided always, That the annual sum to be so payable to any Commissioner shall not exceed Two-thirds of the average annual amount of the sums received by them respectively as such Commissioners for the last Three Years, and shall not be paid to any such Commissioner who, at the commencement of this Act, or at any time afterwards, shall hold any public office or employment of an annual value greater than the annuity to be so certified as payable to him, so long as any such office or employment shall be so held.

10.
Salary to Commissioner to be appointed under this Act.

And be it Enacted, That from and after the commencement of this Act there shall be paid and payable out of the monies standing to the Bankruptcy and Compensation Fund Account, to the Commissioner of Bankrupt to be appointed by virtue of this Act, the yearly sum of One thousand five hundred Pounds, which said sum shall be paid from time to time quarterly, free and clear of all deductions and taxes whatsoever, on the First day of September, the First day of December, the First day of March, and the First day of June in every year, by equal portions, the first payment thereof respectively to be made on the First day of September next; and that if any such Commissioner shall die, resign or be removed, his executors or administrators, or himself, as the case may be, shall be entitled to receive such proportionable part of the salary as shall have accrued during the time that such Commissioner shall have executed his office since the last payment, and that the successor of such Commissioner so dying, resigning or being removed as aforesaid shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation or removal.

11.
In case of Surplus in Bankruptcy and Compen-

And be it Enacted, That if at any time it shall appear to the Lord Chancellor that the monies standing to the said Bankruptcy and Comsation Fund Account, Lord Chancellor may order diminution of Fees.

pensation Fund Account, together with the fees expectant and to be payable to such Account, shall be sufficient to answer and pay the said salary and other payments for the time being chargeable thereon, and to leave a surplus, it shall be lawful for the Lord Chancellor to order such abatement to be made in the fees made payable by this Act as may to the said Lord Chancellor from time to time seem just and reasonable; and in case the sums to be produced as aforesaid, and standing to the credit of said Bankruptcy and Compensation Fund Account, shall not be sufficient to discharge the salary and other payments 13
chargeable thereon, then such sum as shall be required to pay the same shall be charged on and paid out of the fund called "The Suitors' Fee Fund;" and such sum as shall be paid out of the said last mentioned fund in discharge of such salary and other payments, shall be repaid out of the monies and securities standing to the credit of the Bankruptcy and Compensation Fund Account, whenever there shall be a surplus thereof after discharging the salary and payments chargeable thereon.

12.
Commissioner to sit when Business requires it.
Provision in case of Absence of Commissioner.

And be it Enacted, That the said Commissioner shall sit for the despatch of business at all times, Sundays, Christmas-day and Good Friday alone excepted, when the business of the said Commissioner of Bankruptcy shall require it; and that if, from sickness or other reasonable cause, to be allowed by the Lord Chancellor, he be absent, then and in every such case it shall and may be lawful for the Lord Chancellor to appoint a person, being a Barrister at Law of not less than Ten Years standing, to perform the duties of such Commissioner during such absence, upon taking the oath hereinbefore prescribed for the Commissioner to be appointed by virtue of 14
this Act; and every such person so appointed to perform the duty of such Commissioner as aforesaid shall, during the continuance of such deputation or appointment, have all and every the rights, powers and authorities, and be subject to all the duties of such Commissioner under this Act; and every such person who shall be so appointed to act during the absence of such Commissioner as aforesaid, shall receive from the said Bankruptcy and Compensation Fund Account such proportion, and no more, of the Salary of such Commissioner for and during the period of his service, as shall be directed by the deputation under which he shall be so appointed, and the residue only shall for such period be payable to such Commissioner.

13.
A place at Dublin to be appointed for Sittings and Meetings.

And be it Enacted, That it shall be lawful for the Lord Chancellor to appoint a place in *Dublin* where the Commissioner shall sit, and that as well all Sittings fixed by the Commissioner under Commissions of Bankruptcy, as also all Meetings of Creditors under Commissions which are held in pursuance of public advertisement, shall be holden at such place, and that until such place shall be appointed such Sittings and Meetings shall be held at the *Royal Exchange* at *Dublin*; and that it shall and may be lawful for the Lord Chancellor, if he shall think it necessary for the proper discharge of the business of such Court, to appoint some proper person to act as Register of the said Court, and to direct that a Salary not exceeding Three hundred Pounds per annum shall be paid to him out of the said Bankruptcy and Compensation Fund, and from time to time to remove such Register, if he shall think fit, and on his removal, or on his resignation or death, to appoint another person in his place.

Power to appoint Register.

14.
Lord Chancellor may make General Rules and Orders for regulating Sittings of Commissioners, &c.

And be it Enacted, That the Lord Chancellor shall have power from time to time to make General Rules and Orders for regulating the Practice and Sittings of the said Commissioner, and the conduct of the other Officers and Persons concerned in the suing out or execution of Commissions of Bankrupt.

15.
Commissioner not to be liable to Actions.

And be it Enacted, That no Commissioner to be appointed by virtue of this Act shall be liable to any Action for any thing done by him in the execution of the duties and powers given to him as such Commissioner by virtue of this Act.

16.
All Attornies and Solicitors may practise before the Commissioner.

And be it Enacted, That all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Dublin* may appear and act as such in any proceedings before the Commissioner to be appointed by virtue of this Act, without being required to employ counsel; and in case any person, not being an Attorney or Solicitor as aforesaid, shall practise before the Commissioner in any such proceedings as an Attorney or Solicitor, he shall be deemed guilty of a Contempt of Court, and shall be liable to all the penalties consequent thereon; and that all the laws and statutes now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Commissioner as aforesaid.

17.
Former Provisions, not hereby repealed, made applicable to this Act.

And be it Enacted, That all the Laws and Statutes not hereby repealed, and Rules and Orders in force before this Act shall come into operation, relating to Bankrupts, or to Commissioners of Bankrupts, or to proceedings under Commissions of Bankrupt, or to the subject matters of such proceedings, or to the persons concerned therein, or in any way affected thereby, shall in like manner extend and be construed to extend in every respect, as far as the same may be applicable, to this Act, and to Commissions issued in pursuance thereof, and to all proceedings under the same, and to all the subject matters of such proceedings, and to all persons concerned therein or in any way affected thereby, to all intents and purposes whatsoever, save and except as may otherwise be directed by this Act.

18.
What Persons shall be deemed Traders liable to become Bankrupt.

What Persons not liable.

And be it Enacted, That all Bankers, Brokers and Persons using the profession or trade of Scrivener, receiving other men's monies or estates into their trust or custody; and Persons insuring ships or their freight or other matters against perils of the Sea; Warehousemen, Wharfingers, Packers; Builders, Carpenters, Shipwrights; Victuallers, Keepers of Inns, Taverns, Hotels or Coffee Houses; Dyers, Printers, Bleachers, Fullers, Calenderers; Cattle or Sheep Salesmen; and all Persons using the trade of merchandize by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and all Persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling, or by buying and letting for hire, or by the workmanship of goods or commodities, shall be deemed traders liable to become Bankrupt: Provided that no Farmer, Grazier, common Labourer or Workman for Hire, Receiver-General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Companies established by Charter or Act of Parliament, shall be deemed, as such, a Trader liable by virtue of this Act to become Bankrupt.

19.
Departing the Realm, absenting, &c. Acts of Bankruptcy.

18 And be it Enacted, That if any such trader shall depart this realm, or, being out of this realm, shall remain abroad, or depart from his dwelling-house, or otherwise absent himself, or begin to keep his house, or suffer himself to be arrested for any debt not due, or yield himself to prison, or suffer himself to be outlawed, or procure himself to be arrested, or his goods, monies or chattels to be attached, sequestered or taken in execution, or shall make or cause to be made, either within this realm or elsewhere, any fraudulent grant or conveyance of any of his lands, tenements, goods or chattels, or make or cause to be made any fraudulent surrender of any of his copyhold lands or tenements situate in *England* or *Ireland* or elsewhere, or make or cause to be made any fraudulent gift, delivery or transfer of any of his goods or chattels, every such trader doing, suffering, procuring, executing, permitting, making or causing to be made any of the acts, deeds or matters aforesaid, with intent to defeat or delay his Creditors, shall be deemed to have thereby committed an act of Bankruptcy.

20.
Conveyance of all a Trader's property not to be an act of Bankruptcy, unless Commission issue within Six Months.

Proviso as to Execution, and Notice in Gazette, &c.

19 And be it Enacted, That where any such trader shall, after this Act shall have come into effect, execute any conveyance or assignment by deed to a trustee or trustees of all his estate and effects for the benefit of all the Creditors of such trader, the execution of such deed shall not be deemed an act of Bankruptcy unless a Commission issue against such trader within Six calendar Months from the execution thereof by such trader; provided that such deeds shall be executed by every such trustee within Fifteen Days after the execution thereof by the said trader, and that the execution by such trader and by every such

trustee be attested by an attorney or solicitor, and that notice be given within Two Months after the execution thereof by such trader, in case such trader resides in *Dublin* or within Forty Miles thereof, in the *Dublin* Gazette, and also in Two *Dublin* daily newspapers; and in case such trader does not reside within Forty Miles of *Dublin*, then in the *Dublin* Gazette, and also in One *Dublin* daily newspaper, and One provincial newspaper published near such trader's residence; and such notice shall contain the date and execution of such deed, and the name and place of abode respectively of every such trustee and of such attorney or solicitor.

21.
Lying in Prison 21 Days, and escaping out of Prison, acts of Bankruptcy.

And be it Enacted, That if any such trader, having been arrested 20 or committed to prison for debt, or on any attachment for non-payment of money, shall, upon such or any other arrest or commitment for debt or non-payment of money, or upon any detention for debt, lie in prison for Twenty-one Days, or, having been arrested or committed to prison for any other cause, shall lie in prison for Twenty-one Days after any detainer for debt lodged against him and not discharged, every such trader shall be thereby deemed to have committed an act of Bankruptcy; or if any such trader, having been arrested, committed or detained for debt, shall escape out of prison or custody, every such trader shall be deemed to have thereby committed an act of Bankruptcy from the time of such arrest, commitment or detention; provided that if any such trader shall be in prison at the time of the commencement of this Act, such trader shall not be deemed to have committed an act of Bankruptcy by being in prison until he shall have lain in prison for the period of Two Months.

Proviso as to being in Prison at the passing of this Act.

22.
Filing Declaration of Insolvency at Bankrupt Office an act of Bankruptcy.

And be it Enacted, That if any such trader shall file in the office of the Lord Chancellor's Secretary of Bankrupts a Declaration in writing, signed by such trader, and attested by an attorney or solici- 21 tor, that he is insolvent, or unable to meet his engagements, the said Secretary of Bankrupts shall sign a memorandum that such Declaration hath been filed, which memorandum shall be authority for the printer of the *Dublin* Gazette to insert an advertisement of such Declaration therein; and every such Declaration shall, after such advertisement inserted as aforesaid, be an act of Bankruptcy committed by such trader at the time when such Declaration was filed; but no Commission shall issue thereupon unless it be sued out within Two calendar Months next after the insertion of such advertisement, and unless such advertisement shall have been inserted in the *Dublin* Gazette within Eight Days after such Declaration was filed; and no Docket shall be struck upon such act of Bankruptcy before the expiration of Four Days next after the insertion of such advertisement; and the Gazette containing such advertisement shall be evidence to be received of such Declaration having been filed.

Advertisement in Gazette.

Commission must issue within Two Months.

Striking of Docket.

Gazette Evidence.

23. Declaration concerted.

And be it Enacted, That no Commission under which the adjudication shall be grounded on the act of Bankruptcy being the filing of such Declaration shall be deemed invalid by reason of such Declaration having been concerted or agreed upon between the Bankrupt and any Creditor or other person.

24. Trader compounding with Petitioning Creditor an act of Bankruptcy.

And be it Enacted, That if any trader liable by virtue of this Act 22
to become Bankrupt shall, after a docket struck against him, pay to the person or persons who struck the same, or any of them, money, or give or deliver to any such person any such satisfaction or security for his debt or any part thereof whereby such person may receive more in the Pound in respect of his debt than the other Creditors, such payment, gift, delivery, satisfaction or security shall be an act of Bankruptcy; and if any Commission shall have issued upon the docket so struck as aforesaid, the Lord Chancellor may either declare such Commission to be valid, and direct the same to be proceeded in, or may order it to be superseded, and a new Commission may issue; and such Commission may be supported either by proof of such last-mentioned or of any other act of Bankruptcy; and every person so receiving such money, gift, delivery, satisfaction or security as aforesaid shall forfeit his whole debt, and also repay or deliver up such money, gift, satisfaction or security as aforesaid, or the full value thereof, to such person or persons as the Commissioner acting under such original Commission or any new Commission shall appoint, for 23
the benefit of the Creditors of such Bankrupt.

Commission may be superseded or continued.

Penalty on Persons so compounding.

25. Traders having Privilege of Parliament may be proceeded against as other Traders.

And be it Enacted, That if any such trader having Privilege of Parliament shall commit any of the aforesaid acts of Bankruptcy, a Commission may issue against him, and the Commissioner and all other persons acting under such Commission may proceed thereon in like manner as against other Bankrupts, but such person shall not be subject to be arrested or imprisoned during the time of such Privilege, except in cases hereby made Felony.

26. Trader having Privilege of Parliament not paying, &c.

And be it Enacted, That if any Creditor or Creditors of any such trader having Privilege of Parliament to such amount as is hereinafter declared requisite to support a Commission, shall file an affidavit or affidavits in any court of record in *Dublin* that such debt or debts is or are justly due to him or them respectively, and that such Debtor, as he or they verily believe, is such trader as aforesaid, and shall sue out of the same court a summons, or an original bill and summons, against such trader, and serve him with a copy of such summons, if such trader shall not within One calendar Month after personal service of such summons pay, secure or compound for such debt 24
or debts to the satisfaction of such Creditor or Creditors, or enter into a bond in such sum, and with Two sufficient Sureties, as any of the Judges of the court out of which such summons shall issue shall approve

and not entering an Appearance to the Action within One Month, an act of Bankruptcy.

approve of, to pay such sum as shall be recovered in such action or actions, together with such costs as shall be given in the same, and within One calendar Month next after personal service of such summons cause an appearance or appearances to be entered to such action or actions in the proper court or courts in which the same shall have been brought, every such trader shall be deemed to have committed an act of Bankruptcy from the time of the service of such summons, and any Creditor or Creditors of such trader to such amount as aforesaid may sue out a Commission against him, and proceed thereon in like manner as against other Bankrupts.

27.
Trader having Privilege of Parliament, and disobeying Order for Payment of Money, &c., an act of Bankruptcy.

And be it Enacted, That if any decree or order shall have been pronounced in any cause or matter depending in any court of equity against any such trader having Privilege of Parliament, ordering
25 such trader to pay any sum of money, and such trader shall disobey, the same having been duly served upon him, the person or persons entitled to receive such sum under such decree or order, or interested in enforcing the payment thereof pursuant to such decree or order, may apply to the court by which the same shall have been pronounced to fix a peremptory day for the payment of such money, which shall accordingly be fixed by an order for that purpose; and if such trader, being personally served with such last-mentioned order Eight Days before the day therein appointed for payment of such money, shall neglect to pay the same, he shall be deemed to have committed an act of Bankruptcy from the time of the service thereof, and any such Creditor or Creditors as aforesaid may sue out a Commission against him, and proceed thereon in like manner as against other Bankrupts.

28.
Provisions of 52 G. 3. c. 144. extended to Commissions to be issued under this Act.

And be it Enacted, That the provisions of an Act passed in the fifty-second year of the reign of King George the Third, intituled, "An Act to suspend and finally vacate the Seats of Members of the
26 House of Commons who shall become Bankrupts, and who shall not pay their Debts in full within a limited Time," shall extend, as far as the same may be applicable, to every Commission to be issued and to the Commissioner to be appointed by virtue of this Act.

29.
Power to Lord Chancellor to issue Commission.

And be it Enacted, That the Lord Chancellor shall have power, upon petition made to him in writing against any trader having committed any act of Bankruptcy, by any Creditor or Creditors of such trader whose debt or debts shall amount to the sum or sums hereinafter mentioned, to issue a Commission under the Great Seal of that part of the United Kingdom of Great Britain and Ireland called *Ireland*, to the Commissioner to be appointed as hereinbefore mentioned, who shall, by virtue of this Act and of such Commission, have full power and authority to take such order and direction with the body of such Bankrupt as hereinafter mentioned, as also with all his lands, tenements and hereditaments, both within the Realm and

Abroad, as well copy or customaryhold as freehold, whether in *England*, *Ireland* or elsewhere, which he shall have in his own right before he became Bankrupt, as also with all such interest in any such lands, tenements and hereditaments as such Bankrupt may lawfully depart with, and with all his money, fees, offices, annuities, goods, chattels, wares, merchandize and debts, wheresoever they may be found or known, and to make sale thereof in manner hereinafter mentioned, or otherwise order the same for satisfaction and payment of the Creditors of the said Bankrupt. 27

30. Petitioning Creditor to make Oath of his Debt, and give Bond to the Lord Chancellor.

And be it Enacted, That the petitioning Creditor shall, before any Commission be granted, make an affidavit in writing before a Master, Ordinary or Extraordinary, in Chancery, (which shall be filed with the proper officer,) of the truth of such his or their respective debt or debts, and shall likewise give bond to the Lord Chancellor in the penalty of Two hundred Pounds, to be conditioned for proving his or their debt or debts, as well before the Commissioner as upon any Trial at Law, in case the due issuing forth of the Commission be contested, and also for proving the party to have committed an act of Bankruptcy at the time of taking out such Commission, and to proceed on such Commission; but if such debt or debts shall not be really due, or if after such Commission taken out it be not proved that the party had committed an act of Bankruptcy at the time of issuing of the Commission, and it shall also appear that such Commission was taken out fraudulently or maliciously, the Lord Chancellor shall and may, upon petition of the party or parties against whom the Commission was so taken out, examine into the same, and order satisfaction to be made to him or them for the damages by him or them sustained, and for the better recovery thereof may assign such bond or bonds to the party or parties so petitioning, who may sue for the same in his and their name and names. 28

Power to the Lord Chancellor to assign Bond.

31. Petitioning Creditor to prosecute Commission at his own Expense until choice of Assignees.

And be it Enacted, That the petitioning Creditor or Creditors shall at his or their own costs sue forth and prosecute the Commission until the choice of Assignees; and the Commissioner shall at the meeting for such choice ascertain such costs, and by writing under his hand direct the same to be paid to such petitioning Creditor or Creditors out of the monies that shall be got in under the Commission; and all bills of fees or disbursements of any solicitor or attorney employed under any Commission, for business done after the choice of Assignees, shall be settled by the Commissioner, except that so much of such bills as contain any charge respecting any action at law or suit in equity shall be settled by the proper Officer of the court in which such business shall have been transacted, and the same so settled shall be paid to such solicitor or attorney; provided that any Creditor who shall have proved to the amount of Twenty Pounds or upwards, if he be dissatisfied 29

Bill of Costs to be taxed by Commissioner.

Creditors may have Bills taxed by a Master.

dissatisfied with such settlement by the Commissioner, may have any such costs and bills settled by a Master in Chancery.

32\.
Amount of Petitioning Creditor's Debt.

And be it Enacted, That no such Commission shall be issued unless the single debt of such Creditor, or of Two or more persons being Partners, petitioning for the same, shall amount to One hundred 30 Pounds or upwards, or unless the debt of Two Creditors so petitioning shall amount to One hundred and fifty Pounds or upwards, or unless the debt of Three or more Creditors so petitioning shall amount to Two hundred Pounds or upwards; and that every person who has given credit to any trader for valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed an act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have any security in writing or otherwise for such sum or not.

May be upon Debt payable at a future time.

33\.
Joint Commissions may be issued against Partners in a Firm.

And be it Enacted, That any Creditor or Creditors whose debt or debts is or are sufficient to enable him or them to petition for a Commission against all the Partners of any firm may petition for a Commission against One or more of the Partners of such firm; and every Commission issued upon such petition shall be valid although it does not include all the Partners of the firm; and in every Commission 31 against Two or more persons it shall be lawful for the Lord Chancellor to supersede such Commission as to One or more of such persons, and the validity of such Commission shall not be thereby affected as to any person as to whom such Commission is not ordered to be superseded, nor shall any person's certificate be thereby affected.

May be superseded as to One or more without affecting the rest.

34\.
Where second or other Commission is issued, Lord Chancellor may direct that Commissions be proceeded in separately or in conjunction.

And be it Enacted, That if after a Commission issued against Two or more members of a firm any other Commission or Commissions shall be issued against any other member or members of such firm immediately after the adjudication under such other Commission or Commissions, all the estate, real and personal, of such person or persons declared Bankrupt under such other Commission or Commissions shall become vested in and transferred to the Assignees under the first Commission or Commissions, in the same manner as if they had been appointed Assignees under such other Commission or Commissions, according to the provisions of this Act, and all separate proceedings under such Commis- 32 sion or Commissions shall be stayed; and such Commission or Commissions shall, without affecting the validity of the first Commission, be annexed to and form part of the same: Provided always, That the Lord Chancellor may direct such Commission or Commissions to be proceeded on, either separately or in conjunction with the first Commission.

35\.
Proceeding in case Petitioning Creditor's

And be it Enacted, That if after adjudication the debt or debts of the petitioning Creditor or Creditors, or any of them, be found debt be insufficient to support Commission.

insufficient to support the Commission, it shall be lawful for the Lord Chancellor, upon application of any other Creditor or Creditors, having proved any debt or debts sufficient to support a Commission, provided such debt or debts has or have been incurred not anterior to the debt or debts of the petitioning Creditor or Creditors, to order the said Commission to be proceeded in, and it shall by such order be deemed valid.

36.
Commission not invalid by reason of any prior act of Bankruptcy.

And be it Enacted, That no Commission shall be deemed invalid by reason of any act or acts of Bankruptcy prior to the debt or debts of the petitioning Creditor or Creditors, or any of them, pro- 33
vided there be a sufficient act of Bankruptcy subsequent to such debt or debts.

37.
Commissioners may summon Persons to give evidence of Trading and act of Bankruptcy.

And be it Enacted, That it shall and may be lawful for the Commissioner, by writing under his hand, to summon before him any person whom he shall believe capable of giving any information concerning the trading or any act or acts of Bankruptcy committed by the person or persons against whom such Commission is issued, and also to require any person so summoned to produce any books, papers, deeds, writings and other documents in the possession, custody or power of such person which may appear to the said Commissioner to be necessary to establish any such trading or act or acts of Bankruptcy; and it shall be lawful for the said Commissioner to examine any such person upon oath, by word of mouth or interrogatories in writing, concerning the trade of or any act or acts of Bankruptcy committed by the person or persons against whom such Commission shall have issued; and every such person so summoned shall incur such danger or penalty for not coming before the Com- 34
missioner, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of the said Commissioner, or for refusing to sign or subscribe his examination, or for refusing to produce or for not producing any such book, paper, deed, writing or document as is hereby provided as to persons summoned after the adjudication of Bankruptcy; and the Commissioner, upon oath made before him of the petitioning Creditor's debt or debts, and of the trading or act or acts of Bankruptcy of the person or persons against whom such Commission is issued, shall thereupon adjudge such person or persons Bankrupt.

Adjudication.

38.
Commissioner shall appoint Two or more public Sittings for Bankrupt to surrender, &c.

And be it Enacted, That the Commissioner, after he shall have adjudged as aforesaid, shall forthwith cause notice of such adjudication to be given in the *Dublin* Gazette, and shall thereby appoint Two or more public Sittings for the Bankrupt to surrender and conform, the last of which Sittings shall be on the Forty-second Day 35
hereby limited for such surrender.

And

39. If Commission abated by death of the King, &c. only Half Fees to be payable on Renewal.

And be it Enacted, That if by reason of the demise of the Crown, or of the death, resignation or removal of the Commissioner, it shall become necessary to renew any Commission, only Half the Fees usually payable upon obtaining Commissions shall be paid for such renewed Commission; and if any Bankrupt shall die after adjudication, the Commissioner may proceed in the Bankruptcy as he might have done if such Bankrupt were living.

40. Messenger may break open Bankrupt's doors, &c. and seize his Body or Property.

And be it Enacted, That it shall be lawful for any person appointed by the Commissioner, by his Warrant under his hand and seal, to break open any house, chamber, shop, warehouse, door, trunk or chest of any Bankrupt where such Bankrupt or any of his property shall be reputed to be, and seize upon the body or property of such Bankrupt; and if the Bankrupt be in prison or in custody it shall be lawful for the person so appointed as aforesaid to seize any property (his necessary wearing apparel only excepted) in the custody or possession of 36 such Bankrupt, or of any other person in any prison or place where such Bankrupt is in custody.

41. Messenger may seize goods in England.

And be it Enacted, That it shall be lawful for the person so appointed by the Commissioner as aforesaid to break open any house, chamber, shop, warehouse, door, trunk or chest of such Bankrupt in *England* where any of the property of such Bankrupt shall be reputed to be, and seize the same, provided the execution of such Warrant by the Commissioner shall be verified by the oath of the person thereby appointed before a Justice of Peace residing in the county where such property shall be reputed to be, and provided that the person thereby appointed shall before such Justice depose upon oath that he is the person named in such Warrant.

42. Messenger may obtain Search Warrant where Property of the Bankrupt is sworn to be concealed.

And be it Enacted, That in all cases where it shall be made to appear to the satisfaction of any Justice of Peace in *England* or *Ireland* 37 that there is reason to suspect and believe that property of the Bankrupt is concealed in any house, premises, or other place not belonging to such Bankrupt, such Justice of Peace is hereby directed and authorized to grant a Search Warrant to the person so deputed by the Commissioner as aforesaid, and it shall be lawful for such person to execute the same in like manner, and such person shall be entitled to the same protection as is allowed by law in execution of a Search Warrant for property reputed to be stolen and concealed.

43. Execution of such Warrant in Scotland.

And be it Enacted, That if in the execution of any Warrant of seizure so granted by the Commissioner as aforesaid it shall be necessary to break open any house, chamber, shop, warehouse, door, trunk or chest of any such Bankrupt in *Scotland* where any of the property of such Bankrupt shall be reputed to be, or to seize and get possession of such property, such Warrant, after the execution thereof by the Commissioner, and the identity of the person named therein, shall have been verified upon oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective jurisdictions, to back or indorse the same; and such Warrant so indorsed shall be sufficient authority to the person bringing such Warrant, and to all Officers of the law in *Scotland*, to execute the same within the county or burgh wherein it is so indorsed, and in virtue thereof to break open the house, chamber, shop, warehouse, door, trunk or chest of such Bankrupt, and to seize and take possession of such property, to be distributed under the said Commission, or otherwise dealt with according to law.

44.
As to Actions against Persons acting in obedience to Warrant of Commissioner.

And be it Enacted, That no Action shall be brought against any person so appointed by the Commission for any thing done in obedience to his Warrant prior to the choice of Assignees, unless demand of the perusal and copy of such Warrant hath been made or left at the usual place of abode of such person or persons by the party or parties intending to bring such Action, or by his or their attorney or agent, in writing, signed by the party or parties demanding the same, and unless the same hath been refused or neglected for Six Days after such demand; and if after such demand and compliance therewith, any Action be brought against the person so appointed as aforesaid, without making the petitioning Creditor or Creditors Defendant or Defendants, if living, on producing and proving such Warrant at the trial of such action the jury shall give their verdict for the Defendant, notwithstanding any defect of jurisdiction in the Commissioner; and if such Action be brought against the petitioning Creditor or Creditors and the person so appointed as aforesaid, the jury shall, on proof of such Warrant, give their verdict for the person so appointed as aforesaid, notwithstanding any such defect of jurisdiction as aforesaid; and if the verdict shall be given against the petitioning Creditor or Creditors, the Plaintiff or Plaintiffs shall recover his or their costs against him or them, to be taxed so as to include such costs as the Plaintiff or Plaintiffs are liable to pay to the person so appointed as aforesaid.

45.
Proof in such Actions that Defendants are petitioning Creditors to render them liable.

And be it Enacted, That in any such Action so brought as aforesaid against the petitioning Creditor or Creditors, either alone or jointly with the person so appointed by the Commissioner as aforesaid, for any thing done in obedience to his Warrant, proof by the Plaintiff or Plaintiffs in such Action that the Defendant or Defendants or any of them is or are petitioning Creditor or Creditors shall be sufficient for the purpose of making such Defendant or Defendants liable, in the same manner and to the same extent as if the act complained of in such Action had been done or committed by such Defendant or Defendants.

And

46.
Commissioner empowered to summon Persons suspected of having Bankrupt's Property in their hands, and to compel them to produce Books, &c.

And be it Enacted, That after adjudication it shall be lawful for the Commissioner, by writing under his hand, to summon before him any person known or suspected to have any of the estate of the Bankrupt in his possession, or who is supposed to be indebted to the Bankrupt, or any person whom the Commissioner believes capable of giving information concerning the person, trade, dealings or estate of such Bankrupt, or concerning any act or acts of Bankruptcy committed by him, or any information material to the full disclosure of the dealings of the Bankrupt; and it shall be lawful for the said Commissioner to require such person to produce any books, papers, deeds, writings or other documents in his custody or power which may appear to the Commissioner necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which the Commissioner is authorized to inquire into; and if such person so summoned as aforesaid shall not come before the Commissioner at the time appointed, having no lawful impediment (made known to the said Commissioner at the time of his sitting,
41 and allowed by him), it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct the person or persons therein named for that purpose to apprehend and arrest such person, and bring him before the Commissioner, to be examined as aforesaid.

47.
Power to examine persons summoned or present at any sitting.

And be it Enacted, That upon the appearance of any person so summoned or brought before the Commissioner as aforesaid, or if any person be present at any sitting of the Commissioner, it shall be lawful for him to examine every such person upon oath, either by word of mouth or by interrogatories in writing, concerning the person, trade, dealings or estate of such Bankrupt, or concerning any act or acts of Bankruptcy by such Bankrupt committed, and to reduce into writing the answers of every such person; and such answers so reduced into writing the party examined is hereby required to sign and subscribe; and if any person shall refuse to be sworn, or shall refuse to answer any lawful questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such lawful questions, or shall refuse to sign and subscribe his examination so reduced into writing
42 as aforesaid (not having any lawful objection allowed by the said Commissioner), and shall not produce any books, papers, deeds and writings and other documents in his custody or power relating to any of the matters aforesaid, which such person was required by the Commissioner to produce, and to the production of which he shall not state any objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to commit him to such prison as he shall think fit, there to remain without bail until he shall submit himself to the Commissioner

Persons refusing to be sworn, &c. may be committed.

to be sworn, and full answers make to his satisfaction to all such lawful questions as shall be put to him, and sign and subscribe such examination, and produce such books, papers, deeds, writings and other documents as aforesaid in his custody or power, to the production of which no such objection as aforesaid has been allowed.

48.
Persons known or suspected to have Bankrupt's property to have Costs.

Witnesses to have Expenses tendered.

And be it Enacted, That where any person known or suspected to have any of the estate of the Bankrupt in his possession, or who is supposed to be indebted to the Bankrupt, shall be summoned to attend before the said Commissioner, every such person shall have such costs and charges as the said Commissioner in his discretion shall think fit; and every Witness summoned to attend before the Commissioner shall have his necessary expenses tendered to him, in like manner as is now by law required upon service of a subpœna to a 43
witness in an action at law.

49.
Commissioner may summon Bankrupt, and examine him.

Bankrupt refusing to be sworn, &c. may be committed.

And be it Enacted, That it shall be lawful for the said Commissioner, by writing under his hand, to summon any Bankrupt before him, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the time by the Commissioner appointed (having no lawful impediments made known to the Commissioner at such time, and allowed by him), it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct any person or persons he shall think fit to apprehend and arrest such Bankrupt, and bring him before the Commissioner; and upon the appearance of such Bankrupt, or if such Bankrupt be present at any sitting of the said Commissioner, it shall be lawful for him to examine such Bankrupt upon oath, either by word of mouth or on interrogatories in writing, touching all matters relating either to his trade, dealings or estate, or which may tend to disclose any secret grant, conveyance or concealment of his lands, tenements, goods, money or debts, and to reduce his answers into writing; which examination so reduced into writing the said Bankrupt shall sign and subscribe; and 44
if such Bankrupt shall refuse to be sworn, or shall refuse to answer any questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such questions, or shall refuse to sign and subscribe his examination so reduced into writing as aforesaid (not having any lawful objection allowed by the said Commissioner), it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to commit him to such prison as the Commissioner shall think fit, there to remain without bail until he shall submit himself to the said Commissioner to be sworn, and full answers make to his satisfaction to such questions as he shall put to him, and sign and subscribe such examination.

And

50.
Commissioner may summon and examine the Bankrupt's Wife.

And be it further Enacted, That it shall be lawful for the Commissioner in manner aforesaid to summon before him the Wife of any Bankrupt, and in manner aforesaid to examine her for the finding out and discovery of the estate, goods and chattels of such Bankrupt concealed, kept or disposed of by such Wife in her own person or by her own act, or by any other person, and she shall incur such danger or
45 penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for refusing to sign or subscribe her examination, or for not fully answering to the satisfaction of the Commissioner, as is hereby provided against other persons.

51.
Penalty on Gaoler for escape, 500*l.*

And be it Enacted, That if any Gaoler to whose custody any Bankrupt or other person shall be committed as aforesaid shall suffer such Bankrupt or other person to escape, every such Gaoler shall forfeit Five hundred Pounds.

52.
Questions to be particularly specified in Warrant.

If Habeas Corpus brought, the Judge may re-commit the Prisoner.

Court or Judge may look at the whole of the Examination.

And be it Enacted, That if any person be committed by the Commissioner for refusing to answer or for not fully answering any question put to him by the said Commissioner, he shall in his Warrant of commitment specify every such question; provided that if any person committed by the Commissioner shall bring any Habeas Corpus in order to be discharged from such commitment, and there shall appear on the return of such Habeas Corpus any such insufficiency in the form of the Warrant whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such party shall be brought by Habeas Corpus, and such Court or Judge is hereby required to commit such person to the same prison, there to remain until he shall conform, unless it shall
46 be shown to such Court or Judge by the party committed that he has fully answered all lawful questions put to him by the Commissioner, or if such person was committed for refusing to be sworn, or for not signing his examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, That such Court or Judge shall, if required thereto by the party committed, in case the whole of the examination of the party so committed shall not have been stated in the Warrant of commitment, inspect and consider the whole of the examination of such party whereof any such question was a part, and if it shall appear from the whole examination that the answer or answers of the party committed is or are satisfactory, such Court or Judge shall and may order the party so committed to be discharged.

53.
In Actions of false Imprisonment the Court may look at the whole of the Examination of the party committed.

And be it Enacted, That in every Action in respect of any such commitment, brought by any Bankrupt or other person committed, the Court or Judge before which or whom such Action is tried shall, if thereto required by the Defendant or Defendants in such Action, (in case the whole of the examination of the party so committed shall not have been stated in the Warrant of commitment), inspect and consider the whole of such examination; and if upon such examination and consideration it shall appear to such Court or Judge that the party was lawfully committed, the Defendant or Defendants in such Action shall have the same benefit therefrom as if the whole of such examination had been therein stated. 47

54.
Limitation of Actions.

General Issue.

Double Costs.

And be it Enacted, That every Action brought against any person for any thing done in pursuance of this Act shall be commenced within Three calendar Months next after the fact committed; and the Defendant or Defendants in any such Action may plead the General Issue, and give this Act and the special matter in evidence at the trial, and that the same was done by authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the time before limited for bringing the same, the Jury shall find for the Defendant or Defendants; and if there be a verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after appearance thereto, or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Double Costs.

55.
Commissioner may appoint Assignees until others are chosen by Creditors.

Penalty on first Assignee not delivering the Effects to the new ones, 200*l.*

And be it Enacted, That it shall be lawful for the Commissioner, as often as he shall think fit, by writing under his hand, to appoint One or more person or persons Assignee or Assignees of the Bankrupt's real and personal estate, or of any part thereof; which Assignee or Assignees shall or may be removed at the meeting of the Creditors for the choice of Assignees, if they shall think fit; and such Assignee or Assignees so removed shall deliver up all the chattels and effects of the Bankrupt come to his or their possession, to the Assignees so chosen as hereinafter mentioned; and if such first Assignee or Assignees shall not within Ten Days after notice given of the said choice of Assignees, and of their consent to act as such, signified to the first Assignee or Assignees by writing under the hands of such Assignees so chosen by the Creditors, make such delivery as aforesaid, every such Assignee shall forfeit Two hundred Pounds.

56.
Debts, how to be proved:

by Corporation;

And be it Enacted, That at the Two or more sittings appointed by the Commissioner as aforesaid, and at every other sitting or meeting by him appointed for proof of debts (whereof, and of the purport whereof, Ten Days notice shall have been given in the *Dublin* Gazette), every Creditor of the Bankrupt may prove his debt by his own oath; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his deposition swear that he is such Agent as aforesaid, and that he is authorized to make such proof; 48

by Creditors remote or Abroad.

proof; and if any Creditor shall live remote from *Dublin*, he may prove by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary; or if such Creditor shall live out of *Ireland*, by Affidavit sworn before a Magistrate where such Creditor shall be residing, and attested by a Notary Public, *British* Minister or Consul; and no Creditor shall pay any contribution on account of any such debt; provided that it shall be lawful for the said Commissioner to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under the said Commission, or to require such further proof, and to examine such other persons in relation thereto, as he shall think fit.

Creditor may be examined on Oath.

57. Bonâ fide Creditors shall be admitted to prove, notwithstanding any secret act of Bankruptcy.

And be it Enacted, That every person with whom any Bankrupt shall have really and *bonâ fide* contracted any debt or demand before the issuing the Commission against him shall, notwithstanding any prior act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, and be a Creditor under such Commission, as if no such act of Bankruptcy had been committed, provided such person had
49 not at the time the same was contracted notice of any act of Bankruptcy by such Bankrupt committed.

58. Commissioner may order Six Months' Wages of Servants or Clerks of Bankrupts to be paid.

And be it Enacted, That when any Bankrupt shall have been indebted at the time of issuing the Commission against him to any Servant or Clerk of such Bankrupt, in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding Six Months' Wages or Salary, to be paid to such Servant or Clerk out of the estate of such Bankrupt, and such Servant or Clerk shall be at liberty to prove under the Commission for any sum exceeding such last-mentioned amount.

59. Apprentices to be discharged from their Indentures.

And be it Enacted, That where any person shall be an Apprentice to a Bankrupt at the time of issuing of the Commission against him, the issuing of such Commission shall be and inure as a complete discharge of the Indenture or Indentures whereby such Apprentice was bound to such Bankrupt; and if any sum shall have been really and *bonâ fide* paid by or on the behalf of such Apprentice to the Bankrupt as an Apprentice Fee, it shall be lawful for the Commissioner, upon proof thereof, to order any sum to be paid to or for the use of such Apprentice which he shall think reasonable, regard being had
50 in estimating such sum to the amount of the sum so paid by or on behalf of such Apprentice to the Bankrupt, and to the time during which such Apprentice shall have resided with the Bankrupt previous to the issuing of the Commission.

Commissioner may order any Sum to be paid in respect of Apprentice Fees.

60.
Mutual Debts and Credits may be set off, notwithstanding a secret act of Bankruptcy.

And be it Enacted, That where there has been mutual credit given by the Bankrupt and any other person, and where there are mutual debts between the Bankrupt and any other person, the Commissioner shall state the account between them, and one debt or demand may be set against another, notwithstanding any prior act of Bankruptcy committed by such Bankrupt before the credit given to or the debt contracted by him, and what shall appear due on either side on the balance of such account, and no more, shall be claimed or paid on either side respectively; and every debt or demand hereby made proveable against the estate of the Bankrupt may also be set off in manner aforesaid against such estate, provided that the person claiming the benefit of such set-off had not when such credit was given notice of an act of Bankruptcy by such Bankrupt committed.

61.
Debts not payable at the time of the Bankruptcy may be proved, deducting Rebate of Interest.

And be it Enacted, That any person who shall have given credit to the Bankrupt upon valuable consideration for any money or other matter or thing whatsoever which shall not have become payable 51
when such Bankrupt committed an act of Bankruptcy, and whether such credit shall have been given upon any bill, bond, note or other negotiable security or not, shall be entitled to prove such debt, bill, bond, note or other security as if the same was payable presently, and receive dividends equally with the other Creditors, deducting only thereout a rebate of interest for what he shall so receive at the rate of Six per centum, to be computed from the declaration of a dividend to the time such debt would have become payable according to the terms upon which it was contracted.

62.
Sureties and Persons liable for the Debts of Bankrupts may prove after having paid such Debts.

And be it Enacted, That any person who at the issuing the Commission shall be surety or liable for any debt of the Bankrupt, or bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the debt or any part thereof in discharge of the whole debt (although he may have paid the same after the Commission issued), if the Creditor shall have proved his debt under the Commission, shall be entitled to stand in the place of such Creditor as to the dividends and all other rights under the Commission which such Creditor possessed or would be entitled to in respect of such proof; or if the 52 53
Creditor shall not have proved under the Commission, such surety or person liable, or bail, shall be entitled to prove his demand in respect of such payment as a debt under the Commission, not disturbing the former dividends, and may receive dividends with the other Creditors, although he may have become surety, liable, or bail as aforesaid, after an act of Bankruptcy committed by such Bankrupt; provided that such person had not when he became such surety or bail, or so liable as aforesaid, notice of any act of Bankruptcy by such Bankrupt committed.

And

63.
Obligee in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after loss, to prove.

Persons effecting Insurance admitted to prove Loss.

And be it Enacted, That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable consideration, shall be admitted to claim, and after the loss or contingency shall have happened, to prove his debt or demand in respect thereof, and receive dividends with the other Creditors as if the loss or contingency had happened before the issuing the Commission against such Obligor or Insurer; and that the person effecting any Policy of Insurance upon ships or goods with any person as a subscriber or underwriter, becoming bankrupt, shall
54 be entitled to prove any loss to which such Bankrupt shall be liable in respect of such subscription, although the person so effecting such Policy was not beneficially interested in such ships or goods, in case the person or persons so interested is not or are not within the United Realm.

64.
Annuity Creditor admitted to prove.

And be it Enacted, That any Annuity Creditor of any Bankrupt, by whatever assurance the same be secured, and whether there were or not any arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the value of such Annuity, which value the Commissioner shall ascertain, regard being had to the original price given for the said annuity, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the date of the Commission.

65.
Sureties for payment of Annuities granted by Bankrupt, in what manner to come in under the Commission.

And be it Enacted, That it shall not be lawful for any person entitled to any Annuity granted by any Bankrupt to sue any person who may be collateral surety for the payment of such Annuity, until such annuitant shall have proved under the Commission against such Bankrupt for the value of such Annuity, and for the payment thereof;
55 and if such surety, after such proof, pay the amount proved as aforesaid, he shall be thereby discharged from all claims in respect of such Annuity; and if such surety shall not (before any payment of the said Annuity subsequent to the Bankruptcy shall have become due) pay the sum so proved as aforesaid, he may be sued for the accruing payments of such Annuity until such annuitant shall have been paid or satisfied the amount so proved, with interest thereon at the rate of Five per centum per annum from the time of notice of such proof and of the amount thereof being given to such surety; and after such payment or satisfaction such surety shall stand in the place of such annuitant in respect of such proof as aforesaid to the amount so paid or satisfied as aforesaid by such surety; and the Certificate of the Bankrupt shall be a discharge to him from all claims of such annuitant or of such surety in respect of such Annuity; provided that such surety shall be entitled to credit in account with such annuitant for any dividends received by such annuitant under the

Commission before such surety shall have fully paid or satisfied the amount so proved as aforesaid.

66.
Debts contingent at the time of the Bankruptcy to be proveable after the happening of the contingency.

And be it Enacted, That if any Bankrupt shall before the issuing of the Commission have contracted any debt payable upon a contingency which shall not have happened before the issuing of such Commission, the person with whom such debt has been contracted may, if he think fit, apply to the Commissioner to set a value upon such debt, and the Commissioner is hereby required to ascertain the value thereof, and to admit such person to prove the amount so ascertained, and to receive dividends thereon; or if such value shall not be so ascertained before the contingency shall have happened, then such person may, after such contingency shall have happened, prove in respect of such debt, and receive a dividend with the other Creditors, not disturbing any former dividends, provided such person had not when such debt was contracted notice of any act of Bankruptcy by such Bankrupt committed. 56

67.
Interest on Promissory Notes and Bills of Exchange proveable.

And be it Enacted, That in all future Commissions against any person or persons liable upon any Bill of Exchange or Promissory Note whereupon interest is not reserved, overdue at the issuing the Commission, the holder of such Bill of Exchange or Promissory Note shall be entitled to prove for the legal interest upon the same, to be calculated by the Commissioner to the date of the Commission.

68. 57
Plaintiff obtaining Judgment, &c. entitled to prove for Costs, &c.

And be it Enacted, That if any person shall have obtained any judgment, decree or order in any action at law or cause or matter in equity, against any party who shall thereafter become bankrupt, for any debt or demand in respect of which such person shall prove under the Commission, such person shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the time of the Bankruptcy.

69.
Proving a Debt under Commission to be an Election not to proceed by Action.

And be it Enacted, That no Creditor who has brought any action or instituted any suit against any Bankrupt in respect of a demand prior to the Bankruptcy, or which might have been proved as a debt under the Commission against such Bankrupt, shall prove a debt under such Commission, or have any claim entered upon the proceedings under such Commission, without relinquishing such action or suit; and in case such Bankrupt shall be in prison or custody at the suit of or detained by such Creditor, he shall not prove or claim as aforesaid without giving a sufficient authority in writing for the discharge of such Bankrupt; and the proving or claiming a debt under a Commission by any Creditor shall be deemed an election

by such Creditor to take the benefit of such Commission with respect
58 to the debt so proved or claimed; provided that such Creditor shall not be liable to the payment to such Bankrupt or his Assignees of the Costs of such action or suit so relinquished by him, and that where any such Creditor shall have brought any action or suit against such Bankrupt jointly with any other person or persons, his relinquishing such action or suit against the Bankrupt shall not affect such action or suit against such other person or persons: Provided also, That any Creditor who shall have so elected to prove or claim as aforesaid, if the Commission be afterwards superseded, may proceed in the action as if he had not so elected, and in bailable actions shall be at liberty to arrest the Defendant *de novo*, if he has not put in bail below or perfected bail above; or if the Defendant has put in or perfected such bail, to have recourse against such bail, by requiring the bail below to put in and perfect bail above within the first Eight Days in Term, after notice in the *Dublin* Gazette of the superseding such Commission, and by suing the bail upon their recognizance if the condition thereof is broken.

Creditor, having elected to come in under Commission, if it be afterwards superseded, restored to his former rights.

70.
Commissioner may expunge proof of Debts.

And be it Enacted, That whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved debts to the
59 amount of Twenty Pounds or upwards, that any debt proved under the Commission is not justly due, either in the whole or in part, such Assignees or Creditors may make representation thereof to the Commissioner; and it shall be lawful for the said Commissioner to summon before him and examine upon oath any person who shall have so proved as aforesaid, together with any person whose evidence may appear to the Commissioner to be material, either in support of or in opposition to any such debt; and if the said Commissioner, upon the evidence given on both sides, or (if the person who shall have so proved as aforesaid shall not attend to be examined, having been first duly summoned, or notice having been left at his last place of abode) upon the evidence adduced by such Assignees or Creditors as aforesaid, shall be of opinion that such debt is not due, either wholly or in part, the said Commissioner shall be at liberty to expunge the same, either wholly or in part, from the proceedings; provided that such Assignees or Creditors requiring such investigation shall before it is instituted sign an Undertaking, to be filed with the proceedings, to pay such Costs as the Commissioner shall adjudge to the Creditor
60 who has proved such debt as aforesaid, such Costs to be recovered by Petition: Provided also, That such Assignees or Creditors may apply in the first instance by Petition to the Lord Chancellor, or that either party may petition against the determination of the Commissioner.

Persons requiring investigation to sign Undertaking for Costs.

Application by Petition received.

71.
Choice of Assignees at First Sitting.

And be it Enacted, That at the first sitting appointed by the Commissioner as aforesaid, or an adjournment thereof, Assignees of the Bankrupt's estate and effects shall be chosen; and all Creditors who have proved debts under the Commission to the amount of Ten Pounds and upwards shall be entitled to vote in such choice, and also any person authorized by letter of attorney from any such Creditor or Creditors, upon proof of the execution thereof, either by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or by Oath before the Commissioner *vivâ voce,* and in case of Creditors residing out of *Ireland*, by Oath before a Magistrate where the party shall be residing, duly attested by a Notary Public, *British* Minister or Consul; and the choice shall be made by the major part in value of the Creditors so entitled to vote; provided that the Commissioner shall have power to reject any person so 61 chosen who shall appear to him unfit to be such Assignee as aforesaid; and upon such rejection a new choice of another Assignee or Assignees shall be made as aforesaid.

Commissioner may reject any person chosen as unfit.

72.
Joint Creditor entitled to prove under separate Commission for the purpose of voting in the choice of Assignees.

And be it Enacted, That in all Commissions against One or more of the partners of a firm, any Creditor to whom the Bankrupt or Bankrupts is or are indebted jointly with the other partner or partners of the said firm, or any of them, shall be entitled to prove his debt under such Commission, for the purpose only of voting in the choice of Assignees under such Commission, and of assenting to or dissenting from the Certificate of such Bankrupt or Bankrupts, or for either of such purposes; but such Creditor shall not receive any dividend out of the separate estate of the Bankrupt or Bankrupts until all the separate Creditors shall have received the full amount of their respective debts, unless such Creditor shall be a petitioning Creditor in a Commission against One member of a firm.

Not to receive Dividend unless petitioning Creditor against one of the Firm.

73.
Personal Estate to vest in the Assignees by virtue of their Appointment.

And be it Enacted, That when any person hath been adjudged a Bankrupt, all the present and future personal estate of such Bankrupt, wheresoever the same may be found or known, and all pro- 62 perty which he may purchase, or which may revert, descend, be devised or bequeathed or come to him before he shall have obtained his Certificate, and all debts due or to be due to the Bankrupt, wheresoever the same may be found or known, shall become absolutely vested in or transferred to the Assignee or Assignees for the time being, whether appointed by the Commissioner or chosen by the Creditors, as hereinbefore provided, for the benefit of the Creditors of the Bankrupt, by virtue of such appointment or choice as aforesaid, and without any deed of assignment for that purpose; and the property, right and interest in such debts shall become vested in and transferred to such Assignees for the time being as fully as if the assurance whereby they are secured had been made to such Assignees; and neither the Bankrupt, nor any person claiming through or under him, shall have power to recover the same, or to make any release or discharge thereof; neither shall the same be attached as the debt of the Bankrupt by any person, according to the custom of the City of *Dublin* or otherwise; but such Assignees for the time being shall have like remedy to recover the same, in their own names, 63 as the Bankrupt himself might have had if he had not been adjudged bankrupt.

74. Proviso as to death or removal of Assignees.

And be it Enacted, That as often as any such Assignee shall die, or be lawfully removed, and a new Assignee duly appointed or chosen, all such personal estate as was then vested in such deceased or removed Assignees shall, by virtue of such appointment or choice, vest in the new Assignee, either alone or jointly with the existing Assignee or Assignees, as the case may require, without any deed of assignment for that purpose.

75. Real Estate to vest in Assignees by virtue of their Appointment.

And be it Enacted, That all lands, tenements and hereditaments (except copyhold or customaryhold) in *England*, *Scotland*, *Ireland*, or in any of the Dominions, Plantations or Colonies belonging to His Majesty, to which any Bankrupt is entitled, and all interest to which such Bankrupt is entitled in any of such lands, tenements or hereditaments, and of which he might, according to the laws of the several Countries, Dominions, Plantations or Colonies have disposed, and all such lands, tenements and hereditaments as he shall purchase, or shall descend, be devised, revert or come to such Bankrupt, before he shall have obtained his Certificate, and all deeds, papers and writings respecting the same, shall vest in the Assignee or Assignees for the time being of such Bankrupt, whether appointed by the Commissioner or chosen by the Creditors of the Bankrupt, as hereinbefore mentioned, for the benefit of the Creditors of the Bankrupt, 64 by virtue of such appointment or choice as aforesaid, and without any deed of conveyance for that purpose, discharged from any claim of the Bankrupt or any person deriving under him.

76. Proviso as to death or removal of Assignee.

And be it Enacted, That as often as such Assignee or Assignees shall die or be lawfully removed, and a new Assignee or Assignees shall be duly appointed or chosen, such of the aforesaid real estate as shall remain unsold or unconveyed shall by virtue of such appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignee or Assignees, as the case may require, without any conveyance for that purpose.

77. The Certificate of the Appointment or choice of Assignees to be enrolled.

And be it Enacted, That a Certificate of the appointment or choice of such Assignees, under the hand and seal of the said Commissioner, shall be entered of record in the office for the enrollment of matters relating to Bankruptcy hereinafter mentioned; and that the same, when so enrolled, shall be as effectual, to all intents and purposes, as if a deed or deeds of assignment or conveyance of the personal or real estates of such Bankrupt had been executed to the said Assignees, and duly registered or enrolled.

78. Commissioner may make Sale of Hereditaments whereof Bankrupt is seised of any Estate Tail, &c.

And be it Enacted, That the Commissioner shall, by deed indented, and enrolled in any of His Majesty's courts of record at *Dublin*, make sale, for the benefit of the Creditors, of any lands, tenements and hereditaments, situate either in *England* or *Ireland* or elsewhere, whereof 65 the Bankrupt is seised of any estate tail in possession, reversion or remainder, and whereof no reversion or remainder is in the Crown, the gift or provision of the Crown; and every such deed shall be good against the said Bankrupt and the issue of his body, and against all persons claiming under him after he became bankrupt, and against all persons whom the said Bankrupt, by virtue of the provisions of any Act now in force for the abolition of fines and recoveries, and substituting other assurances in lieu thereof, or any other means, might cut off or debar from any remainder, reversion or other interest in or out of any of the said lands, tenements and hereditaments.

79. In case of removal of Assignees, Notice to be given in Gazette, &c.

And be it Enacted, That in case of the removal of any Assignee or Assignees, the Commissioner shall, in the Two *Dublin* Gazettes next after the removal of such Assignee or Assignees, cause advertisements to be inserted giving notice of such removal, and directing persons 66 indebted to the Bankrupt's estate not to pay any debt to the Assignee or Assignees so removed.

80. Suits not to be abated by death or removal of Assignees.

And be it Enacted, That whenever an Assignee shall die, or a new Assignee or Assignees shall be appointed or chosen as aforesaid, no action at law or suit in equity shall be thereby abated, but the court in which any action or suit shall be depending may, upon the suggestion of such death or removal, and new appointment or choice, allow the name or names of the surviving or new Assignee or Assignees to be substitued in the place of the former; and such action or suit shall be prosecuted in the name or names of the said surviving or new Assignee or Assignees in the same manner as if he or they had originally commenced the same.

81. Commissioner may sell Copyhold Lands.

And be it Enacted, That the Commissioner shall have power, by deed indented, and enrolled as aforesaid, to make sale, for the benefit of the Creditors, of any copyhold or customaryhold lands of the Bankrupt, either in *England*, *Scotland* or elsewhere, or of any interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any person or persons on his behalf to surrender the same for the purpose of any purchaser or purchasers being admitted thereto.

82.
Vendors of Copyhold Lands shall compound with the Lord for their Fines.

67 And be it Enacted, That every person to whom any sale of copyhold or customary lands or tenements shall be made by the Commissioner shall, before he enter into or take any profit of the same agree and compound with the lords of the manors of whom the same shall be holden for such fines, dues and other services as theretofore have been usually paid for the same, and thereupon the said lords shall, at the next or any subsequent court to be holden for the said manors, grant unto such vendee, upon request, the said copyhold or customary lands or tenements for such estate or interest as shall have been so sold to him as aforesaid, reserving the ancient rents, customs and services, and shall admit him tenant of the same.

83.
Conditional Estates granted by Bankrupt may be redeemed.

And be it Enacted, That if any Bankrupt shall have granted, conveyed, assured or pledged any real or personal estate, or deposited any deed, such grant, conveyance, assurance, pledge or deposit, being upon condition or power of redemption at a future day, by payment of money or otherwise, the Assignees may, before the time of the performance of such condition, make tender or payment of money, or other performance, according to such condition, as fully as the Bank-
68 rupt might have done; and after such tender, payment or performance may sell and dispose of such real or personal estate for the benefit of the Creditors as aforesaid.

84.
Commissioner may proceed when Bankrupt by fraud makes himself Accountant to the King.

And be it Enacted, That if any real or personal estate or debts of any Bankrupt be extended, after he shall have become bankrupt, by any person, under pretence of his being an Accountant of or Debtor to the King, the Commissioner may examine upon oath whether the said debt was due to such Debtor or Accountant upon any contract originally made between such Accountant and the Bankrupt; and if such contract was originally made with any other person than the said Debtor or Accountant, or in trust for any other person or persons, the Commissioner may sell and dispose of such real and personal estate or debts for the benefit of the Creditors under the Commission; and such sale shall be valid against the said extent, and all persons claiming under it; and any person to whom the said real and per-
69 sonal estate or debts shall be bargained and sold, granted or assigned, by the Commissioner, shall have and may recover the same against any person who shall detain the same.

85.
Goods in possession, &c. of Bankrupt by consent of the Owner may be sold by Commissioner.

And be it Enacted, That if any trader at the time he becomes bankrupt shall, by the consent and permission of the true owner thereof, have in his possession, order or disposition any goods or chattels whereof he was reputed owner, or whereof he had taken upon him the sale, alteration or disposition as owner, the Commissioner shall have power to sell and dispose of the same for the benefit of the Creditors under the Commission; provided that nothing herein contained

Proviso as to Ships, under 4 G. 4. c. 41.

tained shall invalidate or affect any transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment, duly registered according to the provisions of an Act of Parliament made in the fourth year of the reign of King GEORGE the Fourth, intituled, "An Act for the registering of Vessels."

86.
Conveyance by Bankrupt of his Lands or Goods to others, or delivery of Securities or transfer, of Debts into other Names, void.

And be it Enacted, That if any Bankrupt, being at the time insolvent, shall (except upon the marriage of any of his children, or for some valuable consideration) have conveyed, assigned or transferred to any of his children or any other person any hereditaments, offices, fees, annuities, leases, goods or chattels, or have delivered or made over to any such person any bills, bonds, notes or other securities, or have transferred his debts to any other person or persons, or into any other person's name, the Commissioner shall have power to sell and dispose of the same as aforesaid; and every such sale shall be valid against the Bankrupt and such children and persons as aforesaid, and against all persons claiming under him. 70

87.
Distress not to be available for more than One Year's Rent due.

Landlord to prove for the residue.

And be it Enacted, That no distress for rent made and levied after an act of Bankruptcy upon the goods or effects of any Bankrupt (whether before or after the issuing of the Commission) shall be available for more than One Year's rent accrued prior to the date of the Commission, but the landlord or party to whom the rent shall be due shall be allowed to come in as a Creditor under the Commission for the overplus of the rent due, and for which the distress shall not be available. 71

88.
Bankrupt entitled to Leases or Agreements for Leases, when not liable for Rent or Covenants.

If Assignees decline to determine whether they will accept the Lease, Lessor may petition.

And be it Enacted, That any Bankrupt entitled to any lease or agreement for a lease, if the Assignees accept the same, shall not be liable to pay any rent accruing after the date of the Commission, or to be sued in respect of any subsequent non-observance or non-performance of the conditions, covenants or agreements therein contained, and if the Assignees decline the same, shall not be liable as aforesaid in case he deliver up such lease or agreement to the lessor or such person agreeing to grant a lease within Fourteen Days after he shall have had notice that the Assignees shall have declined as aforesaid; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such lease or agreement for a lease, the lessor or person so agreeing as aforesaid, or any person entitled under such lessor or person so agreeing, shall be entitled to apply by Petition to the Lord Chancellor, who may order them so to elect and deliver up such lease or agreement, in case they shall decline the same, and the possession of the premises, or may make such other order therein as he shall think fit. 72

89.
Vendor of any Estate in land may compel Assignees to

And be it Enacted, That if any Bankrupt shall have entered into any agreement for the purchase of any estate or interest in land, the vendor elect whether they will abide by or decline the Agreement.

vendor thereof, or any person claiming under him, if the Assignees of such Bankrupt shall not (upon being thereto required) elect whether they will abide by and execute such agreement or abandon the same, shall be entitled to apply by Petition to the Lord Chancellor, who may thereupon order them to deliver up the said agreement and the possession of the premises to the vendor or person 73 claiming under him, or may make such other order therein as he shall think fit.

90. Assignees may execute Powers previously vested in Bankrupts.

And be it Enacted, That all powers vested in any Bankrupt which he might legally execute for his own benefit (except the right of nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees for the benefit of the Creditors, in such manner as the Bankrupt might have executed the same.

91. Lord Chancellor may order Bankrupt to join in Conveyance.

And be it Enacted, That it shall be lawful for the Lord Chancellor, upon the Petition of the Assignees, or of any Purchaser from them of any part of the Bankrupt's estate, if such Bankrupt shall not try the validity of the Commission, or if there shall have been a verdict at law establishing its validity, to order the Bankrupt to join in any conveyance of such estate or any part thereof, and if he shall not execute such conveyance within the time directed by the Order, such Bankrupt, and all persons claiming under him, shall be stopped from objecting to the validity of such conveyance, and all estate, 74 right or title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

92. Where Trustee becomes bankrupt, Chancellor may order Conveyance or Assignment to other Trustees.

And be it Enacted, That if any Bankrupt shall, as Trustee, be seised, possessed of or entitled to, either alone or jointly, any real or personal estate, or any interest secured upon or arising out of the same, or shall have standing in his name as Trustee, either alone or jointly, any Government stock, funds or annuities, or any of the stock of any public Company, either in *England*, *Scotland* or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the person or persons entitled in possession to the receipt of the rents, issues and profits, dividends, interest or produce thereof, on due notice given to all other persons (if any) interested therein, to order the Assignees, and all persons whose act or consent thereto is necessary, to convey, assign or transfer the said estate, interest, stock, 75 funds or annuities to such person or persons as the Lord Chancellor shall think fit, upon the same trusts as the same estate, interest, stock, funds or annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the rents, issues and profits, dividends, interest or produce thereof, as the Lord Chancellor shall direct.

93. When the Bankrupt beneficially entitled to Stock.

And be it Enacted, That if any such Bankrupt shall have any Government stock, funds or annuities, or any of the stock of any public Company, either in *England*, *Scotland* or *Ireland*, standing in his name in his own right, it shall be lawful for the Commissioner, by writing under his hand, to order all persons whose act or consent is thereto necessary, to transfer the same into the name of the Assignees, and to pay all dividends upon the same to such Assignees; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such 76
Order.

94. Conveyances, Contracts, &c. made, &c. without Notice, Two Months before Commission, valid.

And be it further Enacted, That all Conveyances by, and all Contracts and other dealings and transactions by and with, any Bankrupt, *bonâ fide* made and entered into more than Two calendar Months before the date and issuing of the Commission against him, and all executions and attachments against the lands and tenements or goods and chattels of such Bankrupt, *bonâ fide* executed or levied more than Two calendar Months before the issuing of such Commission, shall be valid, notwithstanding any prior act of Bankruptcy by him committed, provided the person or persons so dealing with such Bankrupt, or at whose suit or on whose account such execution or attachment shall have issued, had not at the time of such conveyance, contract, dealing or transaction, or at the time of executing or levying such execution or attachment, notice of any prior act of Bankruptcy by him committed: Provided also, That where a Commission has been superseded, if any other Commission shall issue against any person or 77
persons comprised in such first Commission within Two calendar Months next after it shall have been superseded, no such conveyance, contract, dealing or transaction, execution or attachment, shall be valid, unless made, entered into, executed or levied more than Two calendar Months before the issuing the first Commission.

Proviso in cases where Commission is afterwards superseded.

95. Payments made by and to Bankrupt, without Notice, &c. valid, not withstanding act of Bankruptcy.

And be it Enacted, That all Payments really and *bonâ fide* made or which shall hereafter be made by any Bankrupt, or by any person on his behalf, before the date and issuing of the Commission against such Bankrupt, to any Creditor of such Bankrupt (such payment not being a fraudulent preference of such Creditor), shall be deemed valid, notwithstanding any prior act of Bankruptcy by such Bankrupt committed; and all Payments really and *bonâ fide* made or which shall hereafter be made to any Bankrupt before the date and issuing of the Commission against such Bankrupt, shall be deemed valid, notwithstanding any prior act of Bankruptcy by such Bankrupt com- 78
mitted, and such Creditor shall not be liable to refund the same to the Assignees of such Bankrupt, provided the person so dealing with the said Bankrupt had not at the time of such payment by or to such Bankrupt notice of any act of Bankruptcy by such Bankrupt committed.

96.
What shall be constructive Notice.

And be it Enacted, That the issuing of a Commission shall be deemed notice of a prior act of Bankruptcy (if an act of Bankruptcy had been actually committed before the issuing the Commission), if the adjudication of the Bankruptcy of the person or persons against whom such Commission has issued shall have been notified in the *Dublin* Gazette, and the person or persons to be affected by such notice may reasonably be presumed to have seen the same.

97.
Persons not to be endangered for delivery of Goods without Notice, &c.

And be it Enacted, That no person or body corporate or public company, having in his or their possession or custody any money, goods, wares, merchandizes or effects belonging to any Bankrupt, shall be endangered by reason of the payment or delivery thereof to the Bankrupt or his order, provided such person or body corporate or company had not at the time of such delivery or payment notice
79 that such Bankrupt had committed an act of Bankruptcy.

98.
What Notice to Bodies Corporate, &c.

And be it Enacted, That if any accredited agent of any body corporate or public company shall have had notice of any act of Bankruptcy, such body corporate or company shall be thereby deemed to have had such notice.

99.
Bonâ fide Purchasers, with Notice, not to be impeached, unless Commission sued out within 12 Months.

And be it Enacted, That no purchase from any Bankrupt *bonâ fide* and for valuable consideration, where the purchaser had notice at the time of such purchase of an act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless the Commission against such Bankrupt shall have been sued out within Twelve calendar Months after such act of Bankruptcy.

100.
Titles to Property sold under Commission not to be impeached, unless proceedings to supersede Commission be commenced within 12 Months.

And be it Enacted, That no title to any real or personal estate sold under any Commission or under any Order in Bankruptcy shall be impeached by the Bankrupt, or any person claiming under him, in respect of any defect in the suing out of the Commission, or in any of the proceedings under the same, unless the Bankrupt shall have commenced proceedings to supersede the said Commission, and duly
80 prosecuted the same, within Twelve calendar Months from the issuing thereof.

101.
Assignees, with the consent of Creditors, may compound, or submit Disputes to arbitration, &c.

And be it Enacted, That the Assignees, with the consent of the major part in value of the Creditors who shall have proved under the Commission, present at any meeting whereof, and of the purport whereof Twenty-one Days' notice shall have been given in the *Dublin* Gazette, may compound with any debtor to the Bankrupt's estate, and take any reasonable part of the debt in discharge of the whole, or may give time or take security for the payment of such debt, or may submit any dispute between such Assignees and any persons concerning any matter relating to such Bankrupt's estate to the determination of Arbitrators to be chosen by the Assignees and the major part in value of such Creditors, and the party with whom they shall have such dispute; and the award of such Arbitrators shall be binding on all the Creditors; and the Assignees are hereby indemnified for what they shall do according to the directions aforesaid; and no suit in equity shall be commenced by the Assignees without such consent as aforesaid; provided that if One-third in value or upwards of such 81 Creditors shall not attend at any such meeting (whereof such notice shall have been given as aforesaid), the Assignees shall have power, with the consent of the Commissioner, testified in writing under his hand, to do any of the matters aforesaid.

Meeting of Creditors not attended by One-third in value.

102.
Assignees of any One or more Members of a Firm may use the Names of Partners in Suits.

And be it Enacted, That in any Commission against any One or more member or members of a firm, the Lord Chancellor may, upon Petition, authorize the Assignees to commence or prosecute any action at law or suit in equity in the names of such Assignees and of the remaining partner or partners against any debtor of the partnership, and thereupon such Assignees may obtain such judgment, decree or order therein as if such action or suit had been instituted with the consent of such partner or partners; and if such partner or partners shall execute any release of the debt or demand for which such action or suit is instituted, such release shall be void; provided that every such partner, if no benefit is claimed by him by virtue of the said proceedings, shall be indemnified against the payment of any costs in respect of such action or suit; and that it shall be lawful for the Lord Chancellor, 82 upon the petition of such partner, to direct that he may receive so much of the proceeds of such action or suit as the Lord Chancellor shall think fit.

103.
In Actions by or against any person acting under Commission, no proof required at the trial of petitioning Creditor's Debt, Trading, or act of Bankruptcy, unless Notice given, &c.

And be it Enacted, That in any Action by or against any Assignee, or in any Action against any person acting under the Warrant of the Commissioner for any thing done under such Warrant, no proof shall be required at the trial of the petitioning Creditor's debt or debts, or of the trading, or act or acts of Bankruptcy respectively, unless the other party in such Action shall, if Defendant at or before the time of pleading, and if Plaintiff before issue joined, give notice in writing to such Assignee or other person that he intends to dispute some and which of such matters; and in case such notice shall have been given, if such Assignee or other person shall prove the matter so disputed, or the other party admit the same, the Judge before whom the cause shall be tried may (if he think fit) grant a Certificate of such proof or admission; and such Assignee or other person shall be entitled to the costs, to be taxed by the proper Officer, occasioned by 83 such notice; and such costs shall, if such Assignee or other person shall obtain a verdict, be added to his costs, and if the other party shall obtain a verdict shall be deducted from the costs which such other party would otherwise be entitled to receive from such Assignee or other person.

104.
The same in Suits in Equity.

And be it Enacted, That in all suits in equity by or against the Assignee, no proof shall be required at the hearing of the petitioning Creditor's debt or debts, or of the trading, or of the act or acts of Bankruptcy respectively, as against any of the parties in such suit, except such parties as shall within Ten Days after issue joined give notice in writing to the Assignees of his or their intention to dispute some and which of such matters; and where such notice shall have been given, if the Assignees shall prove the matter so disputed, the costs occasioned by such notice, to be taxed by the proper Officers, shall, if the Court see fit, be paid by the party or parties so giving
84 such notice as aforesaid; and the service of such notice may be proved by affidavit upon the hearing of the cause.

105.
Depositions conclusive in Actions or Suits by Assignees for any debt of Bankrupt, unless he dispute Commission, &c.

And be it Enacted, That if the Bankrupt shall not, if he was within the United Kingdom at the issuing of the Commission, within Two calendar Months after the adjudication, or if he was out of the United Kingdom within Twelve calendar Months after the adjudication, have given notice of his intention to dispute the Commission, and have proceeded therein with due diligence, the depositions taken before the Commissioner at the time of or previous to the adjudication of Bankruptcy, of the petitioning Creditor's debt or debts, and of the trading and act or acts of Bankruptcy, shall be conclusive evidence of the matters and things therein respectively contained, so far as relates to the sufficiency of the petitioning Creditor's debt or debts, trading and act or acts of Bankruptcy, in all suits at law or in equity brought by the Assignees for any debt or demand for which the Bankrupt might have sustained any action or suit.

106.
Proviso for Debtor to the Estate paying the Debt into Court sued for by the Assignee within the time for Bankrupt to dispute.

And be it Enacted, That if the Assignees commence any action or
85 suit for any money so due to the Bankrupt before the time allowed as aforesaid for him to dispute the Commission shall have elapsed, any Defendant in any such action or suit shall be entitled, after notice given to the Assignees, to pay the same or any part thereof into the court in which such action or suit is brought, and all proceedings with respect to the money so paid into court shall thereupon be stayed, and after the time aforesaid shall have elapsed the Assignees shall have the same paid to them out of court.

107.
If the Commission afterwards superseded, persons from whom the Assignees have recovered on bonâ fide paying Assignees,

And be it Enacted, That all persons from whom the Assignees shall have recovered any real or personal estate, either by judgment or decree, are hereby discharged, in case the Commission be afterwards superseded, from all demands which may thereafter be made in respect of the same by the person or persons against whom such Commission issued, to be discharged from claims by the Bankrupt.

issued, and all persons claiming under him or them; and all persons who shall, without action or suit, *bonâ fide* deliver up possession of any real or personal estate to the Assignees, or pay any debt claimed by 86 them, are hereby discharged from all claim of any such person or persons as aforesaid in respect of the same, or any person claiming under him or them, provided such notice to try the validity of the Commission had not been given and proceeded in within the time and in manner aforesaid.

108.
Office for registering Proceedings in Bankruptcy.

And be it Enacted, That all things done pursuant to the Act passed in the eleventh and twelfth years of King George the Third, and hereby repealed, whereby it was enacted that the Lord Chancellor should appoint a place where all matters relating to Commissions of Bankruptcy should be entered of record, and should appoint a person to have the custody thereof, be hereby confirmed; and the person appointed by virtue of the said Act of the eleventh and twelfth years of King George the Third shall, by himself or his deputy, to be approved of by the Lord Chancellor, enter of record all matters relating to Commissions of Bankruptcy, and have the custody of the entries thereof; and he and his deputy and their successors, who shall 87 be from time to time appointed by the Lord Chancellor as a vacancy shall arise, shall continue in their respective offices so long as they shall respectively behave themselves well, and shall not be removed, except by order in writing under the hand of the Lord Chancellor, on sufficient cause therein specified; and that all Commissions of Bankruptcy issued before this Act shall take effect, and all depositions and other proceedings relating to such Commissions directed to be enrolled and actually entered of record before this Act shall take effect, shall be deemed and taken to have been well and effectually entered of record; and the Certificate of such entry, purporting to be signed by the person appointed to enter such proceedings, or by his deputy, shall be received in evidence, without proof of the appointment or handwriting of such person.

Matters enrolled before passing of this Act deemed to be effectually entered of Record.

Certificate of Entry to be received as Evidence.

109.
Custody of matters entered of Record under former Commissions.

And be it Enacted, That the person so appointed by virtue of the said recited Act of the eleventh and twelfth years of King George the Third, and his successors, shall have the custody and care of all the said records, and of all other records to be entered in pursuance of this Act; and shall, by himself or his deputy, enter of record all 88 matters and proceedings in Bankruptcy which by this Act, or any Order made in pursuance of it, are or may be directed or required to be entered of record upon payment of such fees as before the passing of this Act he was entitled to receive for the like business.

110.
No Commission, Adjudication, &c. to be received in Evidence unless entered of Record.

And be it Enacted, That after this Act shall take effect, no Commission of Bankruptcy, Adjudication of Bankruptcy, Certificate of the appointment or choice of Assignees, or Certificate of conformity, shall be received as evidence in any court of law or equity, unless the same shall have been so entered of record as aforesaid; and every such instrument shall be so entered of record, and the Certificate of such entry indorsed thereon, upon the application or behalf of any party interested therein, and on payment of such fees as before the passing of this Act were by law payable for the like business, without any petition or writing presented for that purpose; and the Lord Chancellor may, upon Petition, direct any depositions, proceedings or other matters relating to Commissions of Bankruptcy to be entered of record as aforesaid, on the payment of such fees as before the passing of this Act were by law payable for the like business; and all 89 persons shall be at liberty to search for any of the matters so entered of record as aforesaid; provided that on the production in evidence of any instrument so directed to be entered of record, having the Certificate thereon purporting to be signed by the person so appointed as aforesaid, or his deputy, or their successors, the same shall, without any proof of such signature, be received as evidence of such instrument having been so entered of record as aforesaid; and the fee of One Shilling and no more shall be payable to the person so appointed as aforesaid, and his successors, for every search made for matter so entered of record as aforesaid.

Lord Chancellor may direct other matters to be entered of Record.

Certificate of Entry indorsed to be Evidence of Entry.

111.
Office Copies made Evidence in certain cases, &c.

And be it Enacted, That in every action, suit or issue, office copies of any original instrument or writing filed in the office or officially in the possession of the Lord Chancellor's Secretary of Bankrupts, shall be evidence to be received of every such original instrument or writing respectively; and if any such original instrument or writing shall be produced on any trial, the costs of producing the same shall not be allowed on taxation, unless it appears that the production of such original instrument or other writing was necessary.

112.
Provision in case of death of Witnesses.

And be it Enacted, That in the event of the death of any of the witnesses deposing to the petitioning Creditor's debt, trading or 90 act of Bankruptcy, under any Commission heretofore issued or heretofore to be issued, the depositions of such Witnesses, or a copy thereof, duly authenticated according to the provisions of the said recited Acts or of this Act, shall be evidence of the matters and things therein respectively contained, so far as relates to the sufficiency of the petitioning Creditor's debt, trading and act of Bankruptcy, in all proceedings at law or in equity, as fully and effectually as if the said matters and things had been deposed to by the same witnesses, if living.

113.
Proceedings in Bankruptcy purporting to be signed and

Provided always, and be it further Enacted, That upon the production in evidence of any Commission, Adjudication, Certificate of appointment or choice of Assignees, Certificate of conformity, deposition, sealed by the Commissioner to be received as evidence.

sition, or other proceeding in Bankruptcy, purporting to be signed and sealed by the said Commissioner, or of any writing purporting to be a copy of any such document, and purporting to be signed and sealed as aforesaid, the same shall be received as evidence of such documents respectively, and of the same having been so entered of record as aforesaid, without any further proof thereof: Provided nevertheless, That all Commissions and Proceedings under the same, which may have been entered of record before the passing of this Act, shall and may, upon the production thereof, with the Certificate 91 thereon, purporting to be signed by the person so appointed to enter Proceedings in Bankruptcy, or by his deputy, be received as evidence of the same having been duly entered of record; any thing herein contained to the contrary notwithstanding.

114. Where Debts do not exceed 20*l.* Certificate of Adjudication Evidence.

AND whereas great difficulty has arisen to the Assignees of Bankrupts in the recovery of small debts; BE it Enacted, That in all cases where the debt sought to be recovered by the Assignees shall not exceed Twenty Pounds, the Certificate of the appointment or choice of Assignees entered of record as aforesaid, or a copy thereof signed and sealed as aforesaid, shall be conclusive evidence of the issuing the Commission, and of the person named in such Certificate being a Bankrupt, and of the due appointment or choice of such Assignees.

115. Commissions, Deeds and other Instruments relating to Estates and Effects of Bankrupts not liable to Stamp Duty.

And be it further Enacted, That after this Act shall have come into effect, all Commissions of Bankrupt, and also all deeds, conveyances, assignments, surrenders, admissions and other assurances of or to or relating solely to any freehold, leasehold, copyhold or customary messuages, lands or tenements, or any mortgage, charge or other incumbrance upon, or any estate, right or interest of and in any messuages, lands, tenements or personal estate, being the estate of or 92 belonging to any Bankrupt or Bankrupts, or part or parcel thereof, and which after the execution of such deeds, conveyances, assignments, surrenders or assurances respectively shall, either at law or in equity, be or remain the estate and property of such Bankrupt or Bankrupts, or of the Assignee or Asssignees appointed or chosen by virtue of the Commission issued against him or them respectively, and also all powers of attorney, writs of supersedeas and procedendo, certificates of conformity, affidavits and all other instruments and writings whatsoever relating solely to the estate or effects of any Bankrupt or Bankrupts or any part thereof, or to any proceedings under any Commission, and all advertisements inserted in the *Dublin* Gazette relating solely to matters in Bankruptcy, shall not be liable to any Stamp Duty or any other Government Duty whatsoever; and all sales of any real or personal estate of any Bankrupt or Bankrupts shall not be liable to any Auction Duty.

Sales not liable to Auction Duty.

And

116. Punishment of Perjury and false Affirmation or Declation.

And be it Enacted, That any Bankrupt or other person who shall in any examination before the Commissioner, or in any affidavit or deposition authorized or directed by the present or any Act hereby
93 repealed, wilfully and corruptly swear falsely, being convicted thereof, shall suffer the pains and penalties in force against wilful and corrupt Perjury; and where any oath is hereby directed or required to be taken or administered, or affidavit to be made, by or to any party, such party, if a Quaker or Moravian or Separatist, shall or may make solemn affirmation or declaration; and such Quaker, Moravian or Separatist, as the case may be, shall incur such danger or penalty for refusing to make such solemn affirmation or declaration in such matters, when thereto required, as is hereby provided against persons refusing to be sworn; and all Quakers, Moravians or Separatists who shall in any such affirmation or declaration knowingly and wilfully affirm or declare falsely shall suffer the same penalties as are provided against persons guilty of wilful and corrupt Perjury; and all persons before whom oaths or affidavits are hereby directed to be made are respectively empowered to administer the same, and also such solemn affirmation or declaration as aforesaid.

Provision as to Quakers and others.

117. Applications of Forfeitures.

And be it Enacted, That all sums of money forfeited under this Act, or by virtue of any conviction for Perjury committed in any oath, affirmation or declaration hereby directed or authorized, may
94 be sued for by the Assignees in any of His Majesty's Courts of Record; and the money so recovered (the charges of suit being deducted) shall be divided among the Creditors, who shall not by reason thereof be incompetent witnesses in any proceedings for the recovery of such penalties.

118. Assignees to keep a Book of Account of the Bankrupt's Estate.

And be it Enacted, That the Assignees shall keep an Account, wherein they shall enter all property of the Bankrupt received by or vested in them, and all payments made by them, or by order of the Commissioner, on account of the Bankrupt's estate, which Account every Creditor who shall have proved may inspect at all seasonable times; and it shall be lawful for the Commissioner at all times, by writing under his hand, to summon the Assignees before him, and require them to produce all books, papers, deeds, writings and other documents relating to the Bankruptcy in their possession; and if such Assignees so summoned shall not come before the Commissioner at the time appointed (having no impediment made known to the Commissioner at the time of his sitting, and allowed by him), it shall be lawful for the said Commissioner, by Warrant under his hand and seal, directed to such person as he shall think fit, to cause such As-
95 signees to be brought before him; and upon their refusing to produce such books, deeds, writings, papers or documents as aforesaid, it shall be lawful for the said Commissioner to commit the

Commissioner may summon Assignees, &c.

party so refusing to such prison as he shall think fit, there to remain without bail until such party shall submit himself to the said Commissioner.

119. Creditors to direct where Money arising from Bankrupt's Estate shall be paid in, &c.

And be it Enacted, That at the meeting of Creditors for the choice of Assignees, the major part in value of such Creditors there present may direct how, and with whom, and where the money received from time to time out of the estate of the Bankrupt shall be paid in and remain until it be divided; and if such Creditors shall not make such direction as aforesaid, the Commissioner shall, immediately after such choice, and at the same meeting, make such direction; but no money shall be directed to be paid into the hands of the Commissioner, or of the Solicitor to the Commission, or into any banking house or other house of trade in which any such Commissioner or Solicitor, or the Assignees of the Bankrupt, is or are interested.

120. Commissioner may direct any Money to be invested in Exchequer Bills or in Public Funds.

And be it Enacted, That the Commissioner may, as often as it shall appear to him expedient for the Bankrupt's estate, direct any money, part of such estate, to be invested in the purchase of Exchequer Bills or in the Public Funds, for the benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear 96 to him expedient, and may direct the proceeds thereof to be again laid out in the purchase of Exchequer Bills or in the Public Funds, or to be applied for the benefit of the Creditors, subject to the control of the Lord Chancellor.

121. Assignee disobeying direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain it or employ it, to be charged 20 per cent.

And be it Enacted, That if any Assignee shall retain in his hands or employ for his own benefit, or knowingly permit any Co-assignee so to retain or employ, any sum to the amount of One hundred Pounds or upwards, part of the estate of the Bankrupt, or shall neglect to invest any money in the purchase of Exchequer Bills or in the Public Funds, when so directed as aforesaid, every such Assignee shall be charged in his accounts with such sum as shall be equal to interest at the rate of Twenty per centum on all such money for the time during which he shall have so retained or employed the same, or permitted the same to be retained or employed as aforesaid, or during which he shall have so neglected to invest the same in the purchase of Exchequer Bills or in the Public Funds; and the Commissioner is hereby required to charge every such Assignee in his accounts accordingly.

122. If Assignee become Bankrupt, having Bankrupt's Estate wilfully re-

And be it Enacted, That if any Assignee, indebted to the estate of which he is such Assignee in respect of money retained or employed by him for his own benefit, become bankrupt, if he shall obtain his 97

Certificate

tained, his Certificate shall not discharge his future effects in respect of it.

Certificate it shall only have the effect of freeing his person from arrest and imprisonment; but his future effects (his tools of trade, necessary household goods, and the necessary wearing apparel of himself, his wife and children excepted), shall remain liable for so much of his debts due to the estate of which he was Assignee as shall not be paid by dividends under his Commission, together with lawful interest for the whole debt.

123.
Commissioner shall audit Accounts of Assignees not sooner than Four Months from the issuing of Commission, nor later than Six Months from last examination.

And be it Enacted, That the Commissioner shall at the sitting appointed for the last examination of the Bankrupt appoint a sitting, not sooner than Four calendar Months from the issuing of the Commission, nor later than Six calendar Months from the last examination of the Bankrupt, whereof, and of the purport whereof, he shall give Twenty-one Days' notice in the *Dublin* Gazette, to audit the accounts of the Assignees; and the Assignees at such sitting shall deliver upon oath a true statement in writing of all monies received by them respectively, and when and on what account and how the same have been employed; and the Commissioner shall examine such statement, and compare the receipts with the payments, and ascertain what balances have been from time to time in the hands of such Assignees respectively, and shall inquire whether any sum appearing to be in their hands ought to be retained; and it shall be
98 lawful for the said Commissioner to examine the said Assignees upon oath touching the truth of such accounts; and in such accounts the said Assignees shall be allowed to retain all such money as they shall have expended in suing out and prosecuting such Commission, and all other just allowances.

124.
Method of making Dividend.

And be it Enacted, That the Commissioner shall, not sooner than Four nor later than Twelve calendar Months from the issuing the Commission, appoint a sitting (whereof, and of the purport whereof, he shall give Twenty-one Days' notice in the *Dublin* Gazette) to make a Dividend of the Bankrupt's estate, at which sitting all Creditors who have not proved their debts shall be entitled to prove the same; and the said Commissioner at such sitting shall order such part of the net produce of the Bankrupt's estate as he shall think fit to be forthwith divided amongst such Creditors as have proved debts under the Commission in proportion to their respective debts, and shall make an order for a Dividend in writing under his hand, and shall cause one part of such order to be filed amongst the proceedings under the Commission, and shall deliver another part thereof to the Assignees, which order shall contain an account of the time and place of making such order of the amount of the debts proved, of the
99 money remaining to be divided, of how much in the pound is then ordered to be paid to every Creditor, and of the money allowed by the Commissioner to be retained by the Assignees, with his reasons

No Dividend without previous Audit.

for allowing the same to be so retained; and no Dividend shall be declared unless the Accounts of the Assignees shall have been first so audited as aforesaid, and such statement delivered by them upon oath as aforesaid.

125. Creditors having Security for their Debts not to receive more than other Creditors.

And be it Enacted, That no Creditor having security for his debt, or having made any attachment in *Dublin* or any other place by virtue of any custom there used, of the goods and chattels of the Bankrupt, shall receive upon any such security or attachment more than a rateable part of such debt, except in respect of any execution or extent served and levied by seizure upon, or any mortgage of or lien upon any part of the property of such Bankrupt before the Bankruptcy; provided that no Creditor, though for a valuable consideration, who shall sue out execution upon any judgment obtained by default, confession or nil dicit, shall avail himself of such execution to the prejudice of other fair Creditors, but shall be paid rateably with such Creditors.

126. Final Dividend within Eighteen Months, unless Suit depending or Estate standing out.

And be it Enacted, That if the Bankrupt's estate shall not have been wholly divided upon the first dividend, the Commissioner shall, within Eighteen calendar Months after the issuing of the Commission, appoint a sitting (whereof, and of the purport whereof, he shall give Twenty-one Days' notice in the *Dublin* Gazette) to make a second Dividend of the Bankrupt's estate, when all Creditors who have not proved their debts may prove the same; and the Commissioner at such meeting, after taking such audit as hereinbefore directed, shall order the balance to be forthwith divided amongst such of the Creditors as shall have proved their debts; and such second dividend shall be final, unless any action at law or suit in equity be depending, or any part of the estate be standing out, not sold or disposed of, or unless some other estate or effects of the Bankrupt shall afterwards come to the Assignees, in which case the same shall be as soon as may be converted into money, and within Two calendar Months after the same shall be so converted divided in manner aforesaid.

127. Assignees to file an Account in Bankrupt Office of unclaimed Dividends remaining in their hands.

And be it Enacted, That if any Assignee under any Commission of Bankrupt shall have either in his own hands or at any bankers, or otherwise subject to his order or disposition, or to his knowledge in the hands or in the order and disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed dividend or dividends amounting in the whole to the sum of Fifty Pounds, and shall not within Six calendar Months after this Act shall have taken effect, or Two calendar Months after the expiration of One Year after the declaration and order for payment of such dividend or dividends made by the Commissioner, either pay to the Creditor or Creditors entitled thereto, or cause a Certificate thereof to be filed in the

101 office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true account of the name or names of the Creditor or Creditors to whom such unclaimed dividend or dividends is or are respectively due, and of the amount of such dividend or dividends respectively (such Account being signed by the Assignee or Assignees rendering the same, and attested by the Solicitor to the Commission, or the Solicitor to the Assignee or Assignees signing the same), such Assignee or Assignees shall be charged in account with the estate of the Bankrupt interest upon such unclaimed dividend or dividends, to be computed from the time when such Certificate is hereby directed to be filed, at the rate of Six Pounds per centum per annum for such time as he shall thenceforth retain the same, and also such further sum as the Commissioner shall think fit, not exceeding in the whole Twenty Pounds per centum per annum; and the Lord Chancellor or the said Commissioner may order the investment of any unclaimed dividend or dividends in the Public Funds or in any Government Security for or on account of the Creditors entitled, and subject to such order as the Lord Chancellor may think fit to make respecting the same, who, if he shall think fit, may, after the same shall have remained unclaimed for the space of Three Years from the declaration of such dividends by the Commissioner, order the same to be divided amongst and paid to the other Creditors; and the proof of the Creditors to whom such dividends were allotted shall from thenceforth be considered as void as to the same, but renewable as to any future dividends, to place them *pari passu* with the other Credi-
102 tors, but not to disturb any dividends which shall have been previously made.

Penalty on Assignees neglecting.

Power of Investment of such Dividends, and after Three Years dividing the same among other Creditors.

128.

No Action for Dividend: Remedy by Petition to the Lord Chancellor.

And be it Enacted, That no Action for any dividend shall be brought against the Assignees by any Creditor who shall have proved under the Commission; but if the Assignees shall refuse to pay any such dividend, the Lord Chancellor may, on Petition, order payment thereof, with interest for the time that it shall have been withheld, and the costs of the application.

129.

Bankrupt not surrendering and submitting to be examined, or not discovering all his Estate, or not delivering up his Goods, Books, &c. or removing or embezzling to the amount of 10*l*., guilty of Felony, &c.

And be it Enacted, That if any person against whom any Commission has been issued, or shall hereafter be issued, whereupon such person hath been or shall be declared bankrupt, shall not, before Three of the clock upon the Forty-second Day after notice thereof in writing, to be left at the usual place of abode of such person, or personal notice in case such person be then in prison, and notice given in the *Dublin* Gazette of issuing of the Commission, and of the sittings of the Commissioner, surrender himself to him, and sign or subscribe such surrender, and submit to be examined before him from time to time upon oath, or being a Quaker or Moravian or Separatist upon solemn affirmation or declaration, or if any such Bankrupt upon such examination shall not discover all his real or personal estate, and how and to whom, upon what consideration, and when he disposed of, assigned or transferred any of such estate, and all books, papers and writings relating thereunto (except such part as shall have been really and *bonâ fide* before sold or disposed of in the way of his trade, or laid out in the ordinary expense of his family), or if any such Bankrupt shall not upon such examination deliver up to the Commissioner all such part of such estate, and all books, papers and writings relating thereunto, as be in his possession, custody or power (except the necessary wearing apparel of himself, his wife and children), or if any such Bankrupt shall remove, conceal or embezzle any part of such estate to the value of Ten Pounds or upwards, or any books of account, papers or writings relating thereto, with intent to defraud his creditors, every such Bankrupt shall be deemed guilty of Felony, and be liable to be transported for life, or for such term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned only or imprisoned and kept to hard Labour, in any common Gaol, Penitentiary House, or House of Correction, for any term not exceeding Seven Years. 103

130. Lord Chancellor may enlarge Time for Bankrupt surrendering.

And be it Enacted, That the Lord Chancellor shall have power, as often as he shall think fit, from time to time, to enlarge the time for the Bankrupt surrendering himself for such time as the Lord Chancellor shall think fit, so as every such order be made Six Days at least before the day on which such Bankrupt was to surrender himself. 104

131. Allowance to Bankrupt for maintenance.

And be it Enacted, That it shall be lawful for the Commissioner, before the choice of Assignees, and after such choice for the Assignees, with the approbation of the Commissioner, testified in writing under his hand, from time to time, to make such allowance to the Bankrupt out of his estate, until he shall have passed his last examination, as shall be necessary for the support of himself and his family.

132. As to Bankrupts apprehended by Warrant.

And be it Enacted, That if any Bankrupt apprehended by any Warrant of the Commissioner shall, within the time hereby allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same benefit as if he had voluntarily surrendered.

133. Bankrupt to deliver up his Books of Accounts to Assignees, upon Oath, and to attend Assignees.

And be it Enacted, That the Bankrupt, after the appointment or choice of Assignees, shall (if thereto required) forthwith deliver up to them, upon oath, sworn before a Master, Ordinary or Extraordinary, in Chancery, or Justice of the Peace, all books of account, papers and writings relating to his estate in his custody or power, and

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and discover such as are in the custody or power of any other person;
105 and every such Bankrupt not in prison or custody shall at all times after such surrender attend such Assignees, upon every reasonable notice in writing for that purpose, given by them to him, or left at his house, and shall assist such Assignees in making out the accounts of his estate; and such Bankrupt, after he shall have surrendered, may at all seasonable times before the expiration of the said Forty-two Days, or such further time as shall be allowed to him to finish his examination, inspect his books, papers and writings in the presence of his Assignees, or any person appointed by them, and bring with him each time any Two persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon demand in writing, given to him or left at his usual place of abode, attend the Assignees to settle any accounts between his estate and any Debtor to or Creditor thereof, or attend any court of record to give evidence touching the same, or do any act necessary for getting in the said estate, for which attendance he shall be paid Five Shillings per day out of his estate; and if such Bankrupt shall after such demand as aforesaid not attend, or on such attendance refuse to do any of the matters aforesaid, without sufficient cause shown to the
106 Commissioner for such refusal, and by him allowed, the Assignees making proof thereof upon oath before the Commissioner, the said Commissioner may, by Warrant directed to such person as he shall think proper, cause such Bankrupt to be apprehended and committed to such prison as he shall think fit, there to remain until he shall conform to the satisfaction of the said Commissioner or of the Lord Chancellor.

Allowance for Attendance.

Commitment for Non-attendance.

134. Bankrupt to be free from Arrest during Examination, if not in Custody; and, if arrested, to be discharged on producing Summons.

And be it Enacted, That the Bankrupt shall be free from arrest or imprisonment by any Creditor in coming to surrender, and after such surrender, during the said Forty-two Days, and such further time as shall be allowed him for finishing his examination, provided he was not in custody at the time of such surrender; and if such Bankrupt shall be arrested for debt or on any Escape Warrant in coming to surrender, or shall after his surrender be so arrested within the time aforesaid, he shall, on producing the Summons under the hand of the Commissioner to the Officer who shall arrest him, and giving such Officer a copy thereof, be immediately discharged; and if any Officer shall detain such Bankrupt after he shall have shown such Summons to him so signed as aforesaid, such Officer shall forfeit to such Bankrupt for his own use the sum of Five Pounds for every day he shall detain such Bankrupt, to be recovered by action of debt in any
107 Court of Record at *Dublin* in the name of such Bankrupt, with full costs of suit.

Penalty on Officer detaining Bankrupt.

135. Commissioner may adjourn final Examination of Bankrupt sine die.

And be it Enacted, That it shall be lawful for the Commissioner at the time appointed for the last examination of the Bankrupt, or any enlargement or adjournment thereof, to adjourn such examination *sine die*, and he shall be free from arrest or imprisonment for such time, not exceeding Three calendar Months, as the Commissioner shall, by indorsement upon such summons as aforesaid, appoint, with like penalty upon any Officer detaining such Bankrupt after having been shown such Summons.

136. Bankrupt in custody to be brought before the Commissioner at the Creditor's expense.

And be it Enacted, That whenever any Bankrupt is in prison or in custody under any process, attachment, execution, commitment or sentence, the Commissioner may, by Warrant under his hand, directed to the person in whose custody such Bankrupt is confined, cause such Bankrupt to be brought before him at any sitting, and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the expense thereof shall be paid out of his estate, and such person shall be indemnified by the Warrant of the Commissioner for bringing up such Bankrupt; provided that the Assignees may appoint any persons to attend such Bankrupt from time to time, and to produce to him his books, papers and writings, in order to prepare an Abstract of his Accounts and a Statement to show the particulars of his estate 108 and effects previous to his final examination and discovery thereof; a copy of which Abstract and Statement the said Bankrupt shall deliver to them Ten Days at least before his last examination.

Assignees may appoint Persons to attend Bankrupt in Prison.

137. Penalty on Persons concealing Bankrupt's Effects.

And be it Enacted, That any person wilfully concealing any real or personal estate of the Bankrupt, and who shall not within Forty-two Days after the issuing of the Commission discover such estate to the Commissioner or Assignees, shall forfeit the sum of One hundred Pounds and Double the value of the estate so concealed; and any Person who shall after the time allowed to the Bankrupt to surrender voluntarily discover to the Commissioner or Assignees any part of such Bankrupt's estate not before come to the knowledge of the said Assignees shall be allowed Six per centum thereupon, and such further reward as the major part in value of the Creditors present at any meeting called for that purpose shall think fit, to be paid out of the estate recovered on such discovery.

Allowance to Persons making Discovery thereof.

138. Bankrupt discharged by Certificate of Conformity.

And be it Enacted, That every Bankrupt who shall have duly surrendered and in all things conformed himself to the laws in force concerning Bankrupts at the time of issuing the Commission against 109 him shall be discharged from all debts due by him when he became bankrupt, and from all claims and demands hereby made proveable under the Commission, in case he shall obtain a Certificate of such conformity so signed and allowed and subject to such provisions as hereinafter directed; but no such Certificate shall release or discharge any

Partner not discharged.

any person who was Partner with such Bankrupt at the time of his Bankruptcy, or who was then jointly bound or had made any joint contract with such Bankrupt.

139. Certificate to be signed by Four-fifths in number and value of Creditors above 20*l.*, after Six Months by Three-fifths in number and value, or Nine-tenths in number.

And be it Enacted, That such Certificate shall be signed by Four-fifths in number and value of the Creditors of the Bankrupt who shall have proved debts under the Commission to the amount of Twenty
110 Pounds or upwards, or after Six calendar Months from the last examination of the Bankrupt, then either by Three-fifths in number and value of such Creditors or by Nine-tenths in number of such Creditors, who shall thereby testify their consent to the said Bankrupt's discharge as aforesaid; and no such Certificate shall be such discharge unless the Commissioner shall, in writing under his hand and seal, certify to the Lord Chancellor that such Bankrupt has made a full discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that the Creditors have signed in manner hereby directed, and unless the Bankrupt make oath in writing that such Certificate and consent were obtained without fraud, and unless such Certificate shall after such oath be allowed by the Lord Chancellor, against which allowance any of the Creditors of the Bankrupt may be heard before the Lord Chancellor.

Allowance of by the Lord Chancellor.

140. Proof of Signature of Creditors.

And be it Enacted, That the Commissioners shall not sign any Certificate unless he shall have proof, by affidavit in writing, of the signature of the Creditors thereto, or of any person thereto authorized by any Creditor, and of the authority by which such person shall have so signed the same; and if any Creditor reside abroad, the authority of such Creditor shall be attested by a Notary Public,
111 *British* Minister or Consul; and every such affidavit, authority and attestation shall be laid before the Lord Chancellor, with the Certificate previous to the allowance thereof.

141. Contracts and Securities to induce Creditors to sign void.

And be it Enacted, That any contract or security made or given by the Bankrupt or other person unto or in trust for any Creditor, or for securing the payment of any money due by such Bankrupt at his Bankruptcy, as a consideration or with intent to persuade such Creditor to consent to or sign such Certificate, shall be void, and the money thereby secured or agreed to be paid shall not be recoverable; and the party sued on such contract or security may plead the General Issue, and give this Act and the special matter in evidence.

142. Bankrupt having obtained his Certificate free from Arrest.

And be it Enacted, That any Bankrupt who shall after his Certificate shall have been allowed, be arrested or have any Action brought against him for any debt, claim or demand hereby made proveable under the Commission against such Bankrupt, shall be discharged upon common bail, and may plead in general that the cause of action accrued before he became Bankrupt, and may give this Act and the special matter in evidence; and such Bankrupt's Certificate and the allowance thereof shall be sufficient evidence of the Trading, Bankruptcy, Commission and other proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in execution or detained in prison for such debt, 112 claim or demand, where judgment has been obtained before the allowance of his Certificate, it shall be lawful for any Judge of the Court wherein judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in custody by virtue of such execution to discharge such Bankrupt without exacting any fee, and such Officer shall be hereby indemnified for so doing.

Certificate to be Evidence of the Proceedings under the Commission.

Bankrupt taken in Execution may be discharged.

143. Where Bankrupt has been bankrupt before, &c. his future Effects liable.

And be it Enacted, That if any person who shall have been so discharged by such Certificate as aforesaid, or who shall have compounded with his Creditors, or who shall have been discharged by any Insolvent Act, shall be or become bankrupt, and have obtained or shall hereafter obtain such Certificate as aforesaid, unless his estate shall produce (after all charges) sufficient to pay every Creditor under the Commission Fifteen Shillings in the Pound, such Certificate shall only protect his person from arrest and imprisonment, but his future estate and effects (except the tools of trade and necessary household furniture, and the wearing apparel of himself, his wife and children), shall vest in the Assignees under the said Commission, who shall be entitled to seize the same in like manner as they might have seized property of which such Bankrupt was possessed at the issuing of the Commission.

144. Allowance to Bankrupt in proportion to Dividend.

And be it Enacted, That every Bankrupt who shall have obtained his Certificate, if the net produce of his estate shall pay the Creditors who have proved under the Commission Ten Shillings in the Pound, 113 shall be allowed Five per centum out of such produce, to be paid him by the Assigeees, provided such allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings per centum, provided such allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds per centum, provided such allowance shall not exceed Six hundred Pounds; but if such produce shall not pay such Creditors Ten Shillings in the Pound, such Bankrupt shall only be allowed and paid so much as the Assignees and Commissioners shall think fit, not exceeding Three Pounds per centum and Three hundred Pounds.

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145.
Partner may receive allowance, though the others not entitled.

And be it Enacted, That in all joint Commissions under which any Partner shall have obtained his Certificate, if a sufficient dividend shall have been paid upon the joint estate and upon the separate estate of such Partner, he shall be entitled to his allowance, although his other Partner or Partners may not be entitled to any allowance.

146.
Bankrupt not entitled to Certificate or Allowance; and Certificate void in certain cases.

And be it Enacted, That no Bankrupt shall be entitled to his Cer-
tificate or to be paid any such allowance, and that any Certificate, if
114 obtained, shall be void, if such Bankrupt shall have lost by any sort
of gaming or wagering in any One Day Twenty Pounds, or within
One Year next preceding his Bankruptcy Two hundred Pounds, or if
he shall within One Year next preceding his Bankruptcy have lost
Two hundred Pounds by any Contract for the purchase or sale of
any Government or other Stock, where such Contract was not to be
performed within One Week after the Contract, or where the Stock
bought or sold was not actually transferred or delivered in pursuance
of such Contract, or shall, after an act of Bankruptcy committed, or
in contemplation of Bankruptcy, have destroyed, altered, mutilated
or falsified, or caused to be destroyed, altered, mutilated or falsified,
any of his books, papers, writings or securities, or made or been
privy to the making of any false or fraudulent entries in any book of
account or other document, with intent to defraud his Creditors,
or shall have concealed property to the value of Ten Pounds or
upwards, or if any person having proved a false debt under the
Commission, such Bankrupt, being privy thereto or afterwards know-
ing the same, shall not have disclosed the same to his Assignees
within One Month after such knowledge.

147.
Bankrupt not liable upon any promise to pay Debt discharged by Certificate, unless such promise be in writing.

And be it Enacted, That no Bankrupt after his Certificate shall
115 have been allowed under any Commission shall be liable to pay or
satisfy any debt, claim or demand from which he shall have been
discharged by virtue of such Certificate, or any part of such debt,
claim or demand, upon any Contract, Promise or Agreement made
or to be made after the suing out of the Commission, unless such
Promise, Contract or Agreement be made in writing, signed by the
Bankrupt, or by some person thereto lawfully authorized in writing
by such Bankrupt.

148.
Assignees shall, in case of surplus, account and pay it to Bankrupt: in case of surplus all Debts to carry interest.

And be it Enacted, That the Assignees shall, upon request made to them by the Bankrupt, declare to him how they have disposed of his real and personal estate, and pay the surplus, if any, to such Bankrupt, his executors, administrators or assigns; and every such Bankrupt, after the Creditors who have proved under the Commission shall have been paid, shall be entitled to recover the remainder of the debts due to him; but such surplus shall not be paid until all Creditors who have proved under the Commission shall have received interest on the debts, to be calculated and paid at the rate and in the order following; (that is to say) all Creditors whose debts are now by law entitled to carry interest, in the event of a surplus, shall first receive interest on such debts at the rate of interest reserved or by law payable thereon, to be calculated from the date of the Commission, and after such interest shall have been paid, all other 116 Creditors who have proved under the Commission shall receive interest on their debts, from the date of the Commission, at the rate of Five Pounds per centum.

149. Nine-tenths in number and value of Creditors may accept a Composition which shall bind the rest.

And be it Enacted, That at any meeting of Creditors after the Bankrupt shall have passed his last examination (whereof and of the purport of which Twenty-one Days' notice shall have been given in the *Dublin* Gazette), if the Bankrupt or his friends shall make an offer of composition or security for such composition which Nine-tenths in number and value of the Creditors assembled at such meeting shall agree to accept, another meeting for the purpose of deciding upon such offer shall be appointed, whereof such notice as aforesaid shall be given; and if at such second meeting Nine-tenths in number and value of the Creditors then present shall also agree to accept such offer, the Lord Chancellor shall and may, upon such acceptance being testified by them in writing, supersede the said Commission.

150. Mode of voting in deciding upon such Composition.

And be it Enacted, That in deciding upon such offer as aforesaid, any Creditor whose debt is below Twenty Pounds shall not be reckoned in number, but the debt due to such Creditor shall be computed in value; and that any Creditor to the amount of Fifty Pounds and upwards residing out of *Ireland* shall be personally served with a copy of the notice of the meeting to decide upon such offer 117 as aforesaid, and of the purpose for which the same is called, so long before such meeting as that he may have time to vote thereat; and such Creditor shall be entitled to vote by letter of attorney executed and attested in manner hereby required for such Creditors voting in the choice of Assignees; and if any Creditor shall agree to accept any gratuity or higher composition for assenting to such offer, he shall forfeit the debt due to him, together with such gratuity or composition; and the Bankrupt shall (if thereto required) make oath before the Commissioner that there has been no such transaction between him or any person, with his privity, and any of the Creditors, and that he has not used any undue means or influence with any of them to attain such assent as aforesaid.

151. Agents to Commissions to be under

AND whereas great inconveniences have arisen from the Agents or Clerks to Commissions of Bankrupts being considered as Officers

belonging to the Assignees appointed under such Commissions, and
not subject to the control or direction of the Commissioners named
in such Commissions, and they have frequently refused to produce the
proceedings under such Commissions to the Commissioners, and in
118 many instances have refused to obey their orders; BE it Enacted, by
the authority aforesaid, That every person who shall act as Agent or
Clerk to, or who shall take out any Commission of Bankruptcy, shall
be subject to the control and directions of the Commissioner to be
appointed by virtue of this Act, and shall before he shall act or be
capable of acting as such Agent or Clerk take the oath following;

control of Commissioner.

Oath of Agent.

> "I, *A. B.*, do swear, That during such time as I shall be employed
> as Agent or Clerk to the Commission, or in anywise concerning
> the proceedings in a Commission of Bankrupt issued and
> awarded and now in prosecution against *C. D.*, I will faithfully
> and honestly, according to the best of my skill and
> knowledge, write, take down and transcribe all such depositions
> and evidences, as well of the said Bankrupt as of all
> others who shall be sworn and examined by or before the
> Commissioner under and by virtue of the said Commission,
> as I shall by the said Commissioner in the said Commission
> named be directed to write, take down or transcribe; and
> also that I will in like manner during such time, safely and
> faithfully preserve and keep from all kind of defalcation and
> 119 embezzlement, all such depositions, evidences and proceedings
> while the same shall be by the said Commissioner committed
> to my care; and that I will not knowingly suppress or conceal
> the truth, or suggest or practise any falsehood, in respect to
> any matter or thing relating to the said Commission, or to the
> proceedings thereunder; and that I will, when required by
> such Commissioner, deliver up to him, or to such person as
> he shall appoint, the several depositions and the proceedings
> and documents in my custody or power relating to the said
> Commission. So help me GOD."

152. Messengers not allowed to act as Agents.

And be it Enacted by the authority aforesaid, That any person or persons acting as Messenger or Messengers, and who shall issue any Commission of Bankruptcy, or when issued out shall act as Agent in such Commission, shall from such time be considered incapable for ever after of holding the office of Messenger in any Commission of Bankrupt; and every Messenger shall, before the Commissioner executes his Warrant of seizure to him, take before the Commissioner the following oath; (that is to say)

Oath of Messenger.

> 120 "I, *A. B.*, do swear, That I will faithfully, impartially and honestly,
> according to the best of my skill and knowledge, execute the
> several orders which I shall receive from the Commissioner in
> the

the Commission of Bankrupt awarded and issued against *C. D.*; and that I will not knowingly suppress or conceal the truth, or suggest or practise any falsehood, in respect to any matter or thing relating to the said Commission, or any of the proceedings thereunder; and that I will not, by myself or any other person in trust for me, have any interest, employment or concern in the said Commission in any other capacity whatsoever, except that of Messenger.

"So help me GOD."

153. Commissioner may take Evidence vivâ voce or on Affidavit.

And be it Enacted, That the Commissioner to be appointed by virtue of this Act, shall in all matters within his jurisdiction, have power to take the whole or any part of the evidence, either *vivâ voce*, on oath, or upon affidavits to be sworn before the said Commissioner, or a Master, Ordinary or Extraordinary, in Chancery, as the said Commissioner may in any case direct, or as the Lord Chancellor may from time to time prescribe by any general rule to be made by virtue of this Act.

154. As to concerted Bankruptcies.

And be it Enacted, That from and after this Act shall take effect, no Commission of Bankrupt shall be superseded by reason only that the 121
Commission has been concerted by and between the petitioning Creditor, his solicitor or agent, or any of them, and the Bankrupt, his solicitor or agent, or any of them, save and except where any Petition to supersede a Commission for any such cause shall have been presented before this Act shall come into operation, and shall be then pending.

155. Penalty on any Person taking Fees.

And be it Enacted, That if any person employed for any of the purposes of this Act shall for any thing done or pretended to be done under this Act, or any other Act relating to Bankrupts, or under colour of doing any thing under this Act, or any other such Acts, fraudulently or wilfully demand or take, or appoint or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, or in trust for him or for any other person by him named, any fee, emolument, gratuity, sum of money, or any thing of value whatsoever, other than is allowed by this Act and any other such Act as aforesaid, or by any Order of the Lord Chancellor acting under the authority of this Act or any other such Act as aforesaid, such person when duly convicted thereof shall forfeit and pay the sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any office or place whatsoever under His Majesty, His heirs or successors.

156. Offences against this Act.

And be it Enacted, That any such offender may be prosecuted 122
either by information at the suit of His Majesty's Attorney General, or by criminal information before His Majesty's Court of King's Bench, or by Indictment: Provided always nevertheless, That if any person

person so employed as aforesaid shall commit any offence against this Act, it shall and may be lawful for the Lord Chancellor to dismiss the person so offending from his employment, upon proof made before him of such offence having been committed.

157. Construction of the Act.

And be it Enacted, That this Act shall be construed beneficially for Creditors; and that nothing herein contained shall alter the present practice in Bankruptcy, except where any such alteration is expressly declared; and that it shall extend to aliens, denizens and women, both to make them subject thereto and to entitle them to all the benefits given thereby; and that all powers hereby given to or duties directed to be performed by the Lord Chancellor shall and may be exercised or performed by a Lord Keeper or by Lords Commissioners of the Great Seal; and all powers given to or duties directed to be performed by the Assignees may be exercised and shall be performed by the major part of them, or by One Assignee where only One shall have been appointed or chosen.

158. Commencement of Act. Act not to extend to England or Scotland.

And be it Enacted, That this Act shall commence and take effect from and after the First day of June One thousand eight hundred
123 and Thirty-six; and that it shall not extend either to *England* or *Scotland*, except where the same are expressly mentioned.

159. Act may be altered this Session.

And be it Enacted, That this Act may be repealed, altered or amended during this present Session of Parliament.

Bankrupts (Ireland).

A

BILL,

INTITULED,

AN ACT to amend the Laws relating to Bankrupts in *Ireland*.

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1836.

[*Price 7d.*]

169.

26 *February* 1836.—6 Will. IV.

A

BILL

To enable Bastards in Scotland to make Testaments.

[Note.––The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it is just, humane and expedient that Bastards or Natural Children, in Scotland, should have in all cases the power of disposing of their Moveable Estates by Testaments or Last Wills;

Bastards in Scotland empowered to make Testaments.

BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, it shall be lawful to Bastards or Natural Children in Scotland to dispose of their Moveable Estates by Testament or Last Will, in all cases, in like manner as other Persons in that Country may do, any law or practice to the contrary notwithstanding.

Bastards' Testaments (Scotland.)

A

BILL

To enable Bastards in Scotland to make Testaments.

(Prepared and brought in by
The Lord Advocate, Mr. Attorney General,
and Mr. Robert Steuart.)

Ordered, by The House of Commons, *to be Printed,*
26 *February* 1836.

58.

18 *May* 1836.—6 WILL. IV.

A

B I L L,

INTITULED,

AN ACT to abridge and regulate the holding of Benefices in Plurality; and to amend the Laws relating to the Residence of the Clergy, and to the Appointment and Payment of Stipendiary Curates, in *England*.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

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1 WHEREAS an Act was passed in the twenty-first year of
the reign of King HENRY the Eighth, intituled, "An Act that
no Spiritual Persons shall take to ferm of the King, or any other Per-
son, any Lands or Tenements for Term of Life, Years, or at Will,
&c. and for Pluralities of Benefices and for Residence," the whole
of which recited Act (excepting only such parts as relate to Pluralities
of Benefices) has since been repealed by an Act passed in the fifty-
seventh year of the reign of King GEORGE the Third, intituled, "An
Act to consolidate and amend the Laws relating to Spiritual Persons
holding of Farms; and for enforcing the Residence of Spiritual Per-
sons on their Benefices; and for the Support and Maintenance of
Stipendiary Curates in *England*:" AND whereas it is expedient to
consolidate and amend the said Laws, and to restrain the holding of
Pluralities, and to make further provision for enforcing the residence
of Spiritual Persons upon their Benefices, and to limit the exemp-
2 tions from such residence; and also to make further provision
respecting the appointment and support of Stipendiary Curates in
England; BE it therefore Enacted, by The KING's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT so much of the said recited
Acts as is now in force shall be and the same is hereby Repealed,
save and except only such part of the said last-recited Act as

21 H. 8, c. 13.

Partly repealed by 57 G. 3, c. 99.

1.
Both Acts now wholly repealed;

Saving as to Penalties already incurred, or Licenses already granted.

repeals certain Acts and parts of Acts therein particularly recited; Provided always, That nothing herein contained shall exempt any person from any penalties incurred under the said last-recited Act, or take away or affect any proceedings for recovery thereof, whether commenced or not before the passing of this Act, or shall annul or abridge any license granted under the provisions of the said last-recited Act before the time of passing this Act, or within One Month thereafter.

2.
Not more than Two Preferments to be held together;

And be it Enacted, That from and after the passing of this Act no Spiritual Person holding more Benefices than One shall accept or take to hold therewith any Dignity or Office in any Cathedral or Collegiate Church, or any other Benefice; and that no Spiritual Person holding any such Dignity or Office, and also holding any Benefice, shall accept 3
and take to hold therewith any other Dignity or Office, or any other Benefice; and that no Spiritual Person holding any Dignity or Office in any Cathedral or Collegiate Church shall accept or take to hold therewith any Dignity or Office in any other Cathedral or Collegiate Church, any law, canon, custom, usage or dispensation to the contrary notwithstanding; provided that nothing herein contained shall be construed to prevent any Archdeacon from holding with his Archdeaconry One Prebend or Canonry in the Cathedral Church of the Diocese of which his Archdeaconry forms a part, or from holding One Benefice situate within such Diocese, together with such Archdeaconry and Prebend or Canonry.

3.
Nor Two Benefices, unless within Ten Miles of each other.

And be it Enacted, That no Spiritual Person holding any Benefice shall accept or take to hold therewith any other Benefice, unless it shall be situate within the distance of Ten statute Miles from such first-mentioned Benefice.

4.
Two within distance, and below 500 *l.* value, may be held together (subject to the Archbishop's Veto, for reasons shown by the Bishop);

And be it Enacted, That any Spiritual Person holding One Benefice, not exceeding the yearly value of Five hundred Pounds, and not having any Dignity or Office in any Cathedral or Collegiate Church, may hold therewith One other Benefice, situate within the 4
distance aforesaid, and not exceeding at the time of his Institution thereto the said yearly value of Five hundred Pounds; provided that if both such Benefices shall be situate in the same Diocese, and the Bishop shall see reason to object to such Two Benefices being held together, he shall withhold Institution to such Second Benefice, until he shall have stated such reason in writing under his hand to the Archbishop of the Province in which such Benefice shall be situate, who shall inquire into the circumstances of the case, and shall decide whether Institution shall be granted or not, such decision to be stated in writing under his hand: Provided also, That if such Two Benefices shall be situate in different Dioceses, the Bishop having jurisdiction over the Second Benefice shall withhold Institution

thereto until he shall have ascertained from the Bishop in whose Diocese the First Benefice shall be situate, whether he has any objection to such Benefices being held together, and until he shall have stated to the Archbishop of his Province, and received his decision, stated as aforesaid, on any objection which may appear to either of the said Bishops to exist to such Two Benefices being held together; and in each of the said cases such decision of the Archbishop shall be conclusive on all parties.

5.
Or one above and one below that value, for special reasons assigned by the Bishop to the Archbishop, and allowed by The King in Council.

And be it Enacted, That in case it shall appear expedient to the Bishop of any Diocese, or to the Bishops of any Two Dioceses, as the case may be, in which any Two Benefices within the distance of Ten Miles from each other shall be situate, one of which Benefices shall be above and the other below the said yearly value of Five hundred Pounds, that the Incumbent of one of such Benefices should, on account of the small value or the large population of either of them, be permitted to hold the said Two Benefices together, the said Bishop or Bishops shall be at liberty, upon application made to him or them for that purpose by such Incumbent, to state, in writing under his or their hand or hands, to the Archbishop of the Province the reasons which induce him or them to propose that such permission should be given, and the said Archbishop shall thereupon duly inquire into the circumstances of the case, and if upon such inquiry it shall seem fit to him to recommend the granting of such permission, it shall be lawful for His Majesty in Council, upon a statement of all the facts of the case to be made by the Archbishop in writing under his hand, to grant such permission; and the publication thereof in the *London* Gazette shall be a complete authority in law to such Spiritual Person, on being duly presented to such Second Benefice, to be admitted thereto and to hold such Two Benefices together.

6.
Acceptance of Preferment contrary to this Act vacates all former Preferment.

And be it Enacted, That if any Spiritual Person holding any Dignity or Office or Benefice shall accept any other Dignity, Office or Benefice, and be instituted, collated or admitted to the same contrary to the provisions of this Act, every Dignity, Office or Benefice so previously held by him shall be and become *ipso facto* void, as if he had died or had resigned the same, any law, statute, canon, usage, custom or dispensation to the contrary notwithstanding; and if any Spiritual Person holding any Two Benefices shall accept and take any Dignity or Office (except the Office of Archdeacon of the Archdeaconry in which one of his said Benefices is situate), he shall, by writing under his hand, before he be instituted or in any way admitted to the said Dignity or Office, declare to the Bishop or Bishops in whose Diocese or Dioceses the said Benefices are situate, which of his said Benefices, if either, he proposes to hold with such Dignity or Office; and that immediately upon his being instituted or in any way admitted to such Dignity or Office, the other of his said Benefices shall be and become *ipso facto* void, as if he had died or resigned the same, any law, statute, custom, usage or dispensation to the contrary notwithstanding; and if such Spiritual Person shall refuse or omit to make such declaration as aforesaid, both the said Benefices shall be and become *ipso facto* void as aforesaid.

7.
License or Dispensation for second Preferment unnecessary.

Provided always, and be it Enacted, That it shall not be necessary for any Spiritual Person to obtain any License or Dispensation to enable him to hold more than One Dignity, Office or Benefice under this Act, any law, canon, usage or custom to the contrary notwithstanding.

8.
Present Rights of Possession saved.

Provided always, and be it Enacted, That nothing hereinbefore contained shall be construed to prejudice or affect the right of possession in any Dignity, Office or Benefice to which any Spiritual Person shall have been collated, presented or instituted, or which shall have been otherwise granted to any Spiritual Person before the passing of this Act, unless he shall after the passing of this Act accept or take some Dignity, Office or Benefice contrary to the provisions of this Act.

9.
Acts 37 H. 8, c. 21. and 17 C. 2, c. 3. for uniting Churches, repealed;

AND whereas it is expedient to alter and amend the provisions made by an Act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled "An Act for the Union of Churches not exceeding the Value of Six Pounds," and by another Act passed in the seventeenth year of the reign of King Charles the Second, intituled, "An Act for uniting Churches in Cities and Towns Corporate;" BE it Enacted, That the said last-recited Acts shall be and the same are hereby Repealed.

10.
And their Provisions re-enacted and made applicable to the union of contiguous Benefices of a certain Population and Value.

And be it Enacted, That whenever it shall be represented to His Majesty's Commissioners appointed to consider the state of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues, by the Bishop of any Diocese, or by the Bishops of any Two Dioceses, that Two or more Benefices in his or their Dioceses, being contiguous to each other, and of which the aggregate population shall not exceed One thousand five hundred, and the aggregate value shall not exceed Five hundred Pounds, may with advantage to the interests of religion be united into one Benefice, the said Commissioners shall inquire into the circumstances of the case, and if they shall be satisfied that such union may be usefully made, and that the Patron or Patrons of the said Two Benefices are consenting thereto, such consent being signified in writing under the hands of such Patron or Patrons, such Commissioners shall certify the same to His Majesty in Council, and thereupon it shall be lawful for His Majesty in Council to make and issue an Order for uniting

such Benefices into One Benefice; and if there shall be more than One Patron, then it shall be lawful for His Majesty in Council to make such conditions as to residence, and the employment of a Curate or Curates, as may be deemed fitting, and to give directions for regulating the course and succession in which such Patrons shall present to such united Benefice from time to time as the same shall become vacant, and for determining, if such united Benefice shall be in Two Dioceses, to which of such Dioceses such Benefice shall belong, and that such Order shall be registered in the Registry of the Diocese to which such united Benefice shall be determined to belong, and which Order the Registrar of such Diocese, immediately on the
10 receipt thereof, is hereby required to register accordingly; and such Order shall thenceforth be binding on all parties concerned; and if One of the said Benefices shall then be void, or if both shall be held by the same Incumbent at the time of the registration of such Order, then immediately, or otherwise on the first avoidance of either of such Benefices, the said Two Benefices shall become permanently united together, and shall be and be deemed and taken to be One Benefice to all intents and purposes, unless and until the same shall be afterwards dissevered and disunited in the manner hereinafter enacted: Provided always, That, notwithstanding any such union, the Parishes or places of which such united Benefice shall consist shall continue distinct as to all secular rates, taxes, charges, duties and privileges, and in all other respects except as hereinbefore specified: Provided also, That the person or persons to whom the right of next presentation to such Benefices respectively shall belong shall for the purposes of this Act be deemed and taken to be the Patron
11 and Patrons of such Benefices respectively, and that his or their consent to such union, signified as aforesaid, shall be and be deemed and taken to be sufficient for the purpose of such union, notwithstanding he or they may not be seised in fee-simple of the Advowsons of such Benefices or either of them, or shall be a Trustee or Trustees for some other person or persons.

11. No Union, except under this Act.

Provided always, and be it Enacted, That from and after the passing of this Act it shall not be lawful to unite Two or more Benefices with One Benefice in any other form or manner, or under any other circumstances, than is hereinbefore provided; and that if any such union shall be made in any other form or manner, or under any other circumstances, than as it is hereinbefore provided, the same shall be void to all intents and purposes whatsoever, any statute, law, canon, custom or usage to the contrary notwithstanding.

12. Provisions for disuniting united Benefices.

AND whereas, from the increase of population, or from other circumstances, it may be expedient that Two or more Benefices which have been heretofore united, or which may be hereafter united under
12 the provisions of this Act, should be disunited; BE it Enacted, That

wherever the Bishop of any Diocese, or the Bishops of Two Dioceses, shall represent to the said Commissioners that any Benefices in his or their Diocese or Dioceses, which now are or which may be hereafter united into One Benefice, may be disunited with advantage to the interests of religion, such Commissioners shall inquire into the circumstances of the case, and if they shall be satisfied that such union may be usefully dissolved, they shall certify the same to His Majesty in Council, and thereupon it shall be lawful for His Majesty in Council to issue an Order for dissolving such union, and directing that such Order shall be registered in the Registry of the Diocese to which such united Benefice shall belong, and which Order the Registrar of such Diocese, immediately on the receipt thereof, is hereby required to register accordingly; and thereupon, immediately if the said Benefice shall then be vacant, otherwise on the first avoidance thereof, such union shall be *ipso facto* dissolved, and thenceforward such Benefices shall be and be deemed and taken to be separate and distinct Benefices to all intents and purposes whatever, and as if such Benefices had never been united; and the Patron or Patrons thereof shall and may present to the same respec- 13
tively, and so from time to time as they or either of them shall become vacant.

13.
Incumbent may resign One or more of disunited Benefices, and Patron may present.

And be it Enacted, That in any case in which His Majesty in Council shall have issued any such Order as aforesaid for disuniting Two or more Benefices theretofore united into One Benefice, it shall be lawful for the Incumbent thereof, if such Benefice shall be full at the time of the issuing of such Order, to resign One or more of the Benefices of which such united Benefice consisted, and thereupon it shall be lawful for the respective Patron or Patrons of the Benefice or Benefices which shall have been so resigned to present thereto in the same manner as if such united Benefice had been vacant at the time of issuing such Order.

14.
Portion of Glebe, &c. may be assigned to each of the dissevered Benefices;

And be it further Enacted, That whenever Two or more Benefices which have at any time been united into One Benefice shall be disunited, and become separate Benefices under the provisions of this Act, it shall be lawful for His Majesty in Council, on the recommendation of the said Commissioners, with the consent of the Patron or Patrons of such Benefices respectively, such consent to be signified in writing under the 14
hands and seals of such Patron or Patrons, to assign and attach such portion of the Glebe Lands, Tithes, Moduses, or other endowments or emoluments belonging to or arising or accruing within the limits of such united Benefice to each of such Benefices respectively, as to His Majesty in Council shall seem fit, notwithstanding such proportion of Glebe Land, Tithes, Moduses, or other endowments or emoluments, or any part thereof, may not arise or accrue within the

limits of the Benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto.

15.
And shall belong to the Incumbent.

And be it Enacted, That all such Tithes, Moduses, or other endowments or emoluments, when so assigned and attached as aforesaid, shall belong to and be recoverable by the Incumbent of the Benefice to which the same shall have been so assigned and attached.

16.
Provisions for altering the Shape and Boundaries of contiguous Parishes.

AND whereas in some instances the boundaries of adjacent Parishes might be altered, and Chapels or Chapelries of Ease separated from the Parishes or mother Churches to which they belong, 15 with great advantage; BE it Enacted, That when any Bishop shall represent to the said Commissioners that the shape and boundaries of any two contiguous Parishes may be advantageously altered, or that any such Chapels or Chapelries of Ease may be advantageously separated from the said Parishes or mother Churches, and united either to Benefices contiguous to them, under the limitations of the tenth section of this Act, or to other Chapelries of Ease similarly circumstanced, so as to form a separate Parish or Benefice, with such alterations of the boundaries of these and the adjacent Parishes as shall be provided for in this Act, and shall describe the mode in which it appears to him that the alteration may best be effected, and how the changes consequent on such alteration, in respect to Ecclesiastical Jurisdiction, Glebe Lands, Tithes, and other Ecclesiastical Dues, Rates and Payments, and in respect to rights to Pews, may be made with justice to all parties interested, the said Commissioners shall inquire into the circumstances of the case; and if the Patron or Patrons of the Benefice or Benefices to be affected by such alteration 16 shall consent thereto, such consent to be given in writing under his or their hand, and the said Commissioners shall be satisfied therewith, and shall certify the same by their Report to His Majesty in Council, it shall be lawful for His Majesty in Council to make an Order for carrying such alteration into effect; and such Order being registered in the Registry of the Diocese (which the Registrar is hereby required to do) shall be forthwith binding on all parties concerned, including the Incumbent or Incumbents of the Benefice or Benefices to be affected thereby, if he or they shall have consented thereto, but if such Incumbent or Incumbents shall not have consented thereto, the Order shall not come into operation until the next avoidance of the Benefice by the Incumbent objecting to the alteration, or by the surviving Incumbent objecting, if more than One shall object; and in such case the Order shall forthwith, after such avoidance, become binding on all parties concerned.

17.
Power of adjusting Disputes arising out of the foregoing alterations.

AND whereas the changes effected by virtue of the provisions 17 aforesaid for uniting or dissevering Benefices, and for altering the boundaries of contiguous Parishes, may, when the Orders for those

purposes respectively come into operation, raise doubts and create disputes, not foreseen at the time when such Orders may have been made, respecting Ecclesiastical Jurisdiction, Glebe Lands, Tithes and other Ecclesiastical Dues, Rates and Payments, right to Pews, and the definition of local boundaries; BE it Enacted, That it shall be lawful for His Majesty in Council, at any time within Five Years after such Orders respectively shall come into full operation, if occasion shall arise, to make a supplemental Order for removing all such doubts and settling all such disputes; and every such supplemental Order shall have the same force and effect as if it had formed part of the original Order made under the provisions of this Act: Provided always, That in every case in which the boundaries of Parishes shall be so altered, such alteration shall not in any way affect the secular rates, taxes, charges, duties or privileges of such Parishes or of 18
any part of them.

18.
Spiritual Persons not to take to farm for occupation above Eighty Acres, without consent of the Bishop, and then not beyond Seven Years, under Penalty of 40 *s.* per Acre.

And be it Enacted, That it shall not be lawful for any Spiritual Person holding any Dignity, Prebend, Canonry or Benefice, or any Curacy or Lectureship, to take to farm, for occupation by himself, by lease, grant, words or otherwise, for term of life or of years, or at will, any lands exceeding Eighty Acres in the whole, for the purpose of occupying or using or cultivating the same, without the permission in writing of the Bishop of the Diocese specially given for that purpose; and every such permission to any Spiritual Person to take to farm for the purpose aforesaid any greater quantity of land than Eighty Acres shall specify the number of years, not exceeding Seven, for which such permission is given; and every such Spiritual Person who shall without such permission so take to farm any greater quantity of land than Eighty Acres shall forfeit for every acre of land above Eighty Acres so taken to farm the sum of Forty Shillings for each year during or in which he shall so occupy, use or cultivate 19
such land contrary to the provision aforesaid.

19.
No Spiritual Person, beneficed or performing Ecclesiastical Duty, shall engage in Trade, or buy to sell again for profit or gain.

And be it Enacted, That no Spiritual Person holding any such Dignity, Prebend, Canonry, Benefice, Stipendiary Curacy or Lectureship, shall, by himself or by any other for him or to his use, engage in or carry on any trade or dealing for gain or profit, or deal in any goods, wares or merchandize, by buying and selling for gain or profit in any market, fair or other place, upon pain of forfeiting the value of the goods, wares and merchandizes by him, or by any to his use, bargained for or bought to sell again, contrary to this provision; and that every bargain so made contrary to this Act shall be utterly void as against such Spiritual Person: Provided always, That nothing hereinbefore contained shall subject to any penalty or forfeiture any Spiritual Person for keeping a School or Seminary, or acting as a Schoolmaster or Tutor or Instructor, or being in any manner

Not to extend to Spiritual Persons engaged in keeping Schools, or as Tutors, &c.,

manner concerned or engaged in giving instruction or education for
profit or reward, or for buying or selling or doing any other thing in
relation to the management of any such School, Seminary or
20 Employment, or to any Spiritual Person whatever for the buying of
any goods, wares or merchandizes, or articles of any description,
which shall without fraud be bought with intent at the buying
thereof to be used by the Spiritual Person buying the same for
his family or in his household, and after the buying of any such
goods, wares or merchandizes or articles, selling the same again, or
any parts thereof which such person may not want or choose to keep,
although the same shall be sold at an advanced price beyond that
which may have been given for the same; or for any buying or
selling again, for gain or profit, of any cattle or corn or other articles
necessary or convenient to be bought, sold, kept or maintained by
any Spiritual Person, or any other person for him or to his use, for
the occupation, manuring, improving, pasturage or profit of any
glebe, demesne lands or hereditaments which may be lawfully
held and occupied, possessed or enjoyed by such Spiritual Person, or
any other for him or to his use: Provided always, That nothing
herein contained shall authorize any such Spiritual Person to sell any
cattle or corn, or other articles as aforesaid, in person, in any market,
fair or place of public sale.

in respect of any thing done, or any buying or selling in such employment; or to selling any thing bonâ fide bought for the use of the family; or buying and selling Cattle, &c. for the use of his own Glebe or Demesne Lands, &c.

21 And be it Enacted, That every Spiritual Person holding any
Benefice shall keep residence on his Benefice, and in the house of
residence (if any) belonging thereto; and if any such person shall,
without any such license or exemption as is in this Act allowed for
that purpose, or unless he shall be resident at some other Benefice of
which he may be possessed, absent himself from such Benefice or
house, if any, for any period exceeding the space of Three Months
together, or to be accounted at several times in any one year, he
shall, when such absence shall exceed Three Months and not exceed
Six Months, forfeit One-third of the annual value of the Benefice from
which he shall so absent himself; and when such absence shall
exceed Six Months and not exceed Eight Months, One-half of such
annual value; and when such absence shall exceed Eight Months,
Two-thirds of such annual value; and when such absence shall have
been for the whole of the year, Three-fourths of such annual value;
such penalties to be recovered by monition and sequestration, as
hereinafter provided.

20.
Penalties for Non-residence, without License or Exemption; and not residing at another Benefice.

And be it Enacted, That every Spiritual Person holding any
Benefice who shall wilfully omit to perform the Service of any
Church or Chapel belonging to such Benefice on any Sunday, or on
Christmas-day or Good Friday, not having provided for the per-
22 formance of such Service by a fit and competent person in holy

21.
Penalty for neglecting Duty on Sundays, &c.:

5 *l.* for every offence.

orders, shall forfeit for every such neglect or omission the sum of Five Pounds; and that any person who shall officiate in any Church or Chapel, not being the Incumbent or licensed Curate of the same, shall write down in a book, to be provided by the Churchwardens for that purpose, his name, the place of his residence, and the name of the Bishop by whom he was ordained.

22.
License to reside out of the usual House, if unfit.

And be it Enacted, That it shall be lawful for any Bishop, upon application in writing by any Spiritual Person holding any Benefice or Dignity within his Diocese whereupon there shall be no fit house of residence, by license under his hand and seal, to be registered in the Registry of the Diocese, which the Registrar is hereby required to do, to permit such person to reside in some other fit and convenient house to be particularly described and specified in such license, and for a certain time to be therein also specified, not exceeding the period by this Act limited, and from time to time as such Bishop may think fit to renew such license; and every such house shall be a legal house of residence for such specified time to all intents and purposes: Provided always, That no such license shall be granted to such Spiritual Person to reside in any house unless it be within Two Miles of the Church or Chapel of such Benefice, nor in 23
case such Church or Chapel be in any city, or market or borough town, unless such house be within One Mile of such Church or Chapel.

23.
Houses purchased by Governors of Queen Anne's Bounty to be deemed Residences.

AND whereas the Governors of the Bounty of Queen Anne have purchased, built or procured, by way of benefaction or donation, and may hereafter purchase, build or procure as aforesaid, houses not situate within the parishes or places wherein such Benefices lie, but so near thereto as to be sufficiently convenient and suitable for the residence of the officiating Ministers thereof; BE it therefore Enacted, That such houses, having been previously approved by the Bishop of the Diocese, by writing under his hand and seal, duly registered in the Registry of the Diocese, shall be deemed houses of residence appertaining to such Benefices to all intents and purposes whatsoever.

24.
Vicar or Perpetual Curate (endowed) may reside in Rectory.

And be it Enacted, That in all cases of Rectories having Vicarages endowed or Perpetual Curacies, the residence of the Vicar or Perpetual Curate in the rectory house of such Benefice shall be deemed a legal residence to all intents and purposes whatever; provided that the house belonging to the Vicarage or Perpetual Curacy be kept in proper repair, to the satisfaction of the Bishop.

25.
Certain Persons exempt from Penalties for Non-residence.

And be it Enacted, That no Spiritual Person being Dean of any Cathedral or Collegiate Church, or being Head Ruler of any College 24
or Hall within either of the Universities of *Oxford* or *Cambridge*, or being

being Warden of the University of *Durham,* and not having more than one Benefice with cure of souls, and no Spiritual Person having or holding any Professorship or any public Readership in either of the said Universities, while actually resident within the precincts of the University and while reading lectures therein during the time required by the conditions of his office: Provided always, That a Certificate, under the hand of the Vice-Chancellor or Warden of the University, stating the fact of such residence and of the due performance of such duties, shall in every such case be transmitted to the Bishop of the Diocese within Six Weeks after the Thirty-first day of December in each year; and no Spiritual Person serving as Chaplain of The King's or Queen's most Excellent Majesty, or of any of The King's or Queen's Children, Brethren or Sisters, during so long as he shall actually attend in the discharge of his duty as such Chaplain in the household to which he shall belong; and no Chaplain of any Archbishop or Bishop, whilst actually attending in the discharge of his duty as such Chaplain; and no Spiritual Person actually serving as Chaplain of The House of Commons, or as Clerk of His Majesty's Closet, or as a Deputy Clerk thereof, while any such person shall be actually attending and performing the functions of his office; and no Spiritual Person serving as Chancellor, or Vicar General, or Commissary of any Diocese, whilst exercising the duties of his office; or as Archdeacon, while upon his visitation or otherwise engaged in the exercise of his archidiaconal functions; or as Dean, or Sub-dean or Priest, or Reader, in any of His Majesty's Royal Chapels at *St. James's* or *Whitehall,* or as Reader in His Majesty's Private Chapels at *Windsor* or elsewhere, whilst actually performing the duty of any such office respectively; or as Preacher in any of the Inns of Court or at the Rolls Chapel, whilst actually performing the duties of such office; and no Spiritual Person being Provost of *Eton* College or Warden of *Winchester* College, or Master of the *Charter House,* during the time for which he may be required to reside and shall actually reside therein respectively; and no Spiritual Person being Head Master of *Eton, Winchester* or *Westminster* Schools, or Principal of the *East India* College; shall be liable to any of the penalties or forfeitures in this Act contained for or on account of non-residence, during any such period as aforesaid, on any Benefice, but every such Spiritual Person shall, with respect to residence under this Act, be entitled to account such period of absence from his Benefice as if he had legally resided on some other Benefice; any thing in this Act contained to the contrary notwithstanding.

26.
Dignitaries, &c. residing at Cathedral Churches for certain periods exempted.

And be it Enacted, That it shall be lawful for any Spiritual Person, being Prebendary, Canon, Priest Vicar, Vicar Choral or Minor Canon in any Cathedral or Collegiate Church, or being a

Fellow of one of the said Colleges of *Eton* or *Winchester*, and who 26 shall reside and perform the duties of such office during the period for which he shall be required to reside and perform such duties by the Charter or Statutes of such Cathedral or Collegiate Church or College, as the case may be, to account such residence as if he had legally resided on some Benefice: Provided always, That nothing herein contained shall be construed to permit or allow any such Prebendary, Canon, Priest Vicar, Vicar Choral, Minor Canon or Fellow to be absent from any Benefice on account of such residence and performance of duty for more than Five Months altogether in any one year, including the time of such residence on his Prebend, Canonry, Vicarage or Fellowship: Provided also, That it shall be lawful for any Spiritual Person having or holding any such office in any Cathedral or Collegiate Church or College, in which the year for the purposes of residence is accounted to commence at any other period than the First of January, and who may keep the periods of residence required for Two successive years at such Cathedral or 27 Collegiate Church or College in whole or in part between the First of January and the Thirty-first of December in any one year, to account such residence, although exceeding Four Months in the year, as reckoned from the First of January to the Thirty-first of December, as if he had legally resided on some Benefice; any thing in this Act contained to the contrary notwithstanding.

Provision for cases in which the year of Residence at Cathedrals commences at any other period than the 1st of January.

27.
Rights of present Incumbents and Dignitaries, as to Exemptions and Licenses, preserved.

Provided always, That every Spiritual Person who was in possession of any Dignity, Office or Benefice on the Twelfth day of March last, and entitled by the Law then in force to exemption from residence, or to apply for a license for non-residence, shall, as to every such Dignity, Office or Benefice, but not as to any after-taken Dignity, Office or Benefice, be entitled to the same exemption from residence, and to the same capacity of obtaining a license for non-residence, to which he was entitled on the said Twelfth day of March; and every Bishop and other person empowered before the passing of this Act to grant such license to such Spiritual Person 28 shall have the like power after the passing thereof, any thing hereinbefore contained to the contrary notwithstanding.

28.
Exemption forfeited if House of Residence not kept in repair.

Provided also, and be it Enacted, That every Spiritual Person having any house of residence upon his Benefice, who shall not reside therein, shall during such period or periods of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good and sufficient repair; and that every such Spiritual Person who shall not keep such house of residence in repair, and who shall not, upon monition issued by the Bishop of the Diocese, put the same in repair, according to the requisition of such monition, within the time specified therein, to the satisfaction of such Bishop, founded upon such survey and report as shall be required by the Bishop in that behalf, shall be liable to all penalties for non-residence, notwithstanding any exemption or license during the period of such house of residence remaining out of repair, and until the same shall have been put in repair to the satisfaction of the Bishop.

29.
Every Petition for License for Non-residence to be in Writing, and to state certain Particulars.

And be it Enacted, That wherever any Spiritual Person holding
29 any Benefice shall be desirous of obtaining a license for non-residence, he shall, by himself or by some person approved by the Bishop in that behalf, present to the Bishop a petition signed by himself or by such approved person, and shall state therein whether such Spiritual Person intends to perform the duty himself, and where and at what distance from the Church or Chapel of such Benefice he intends to reside; and if he intends to employ a Curate, such petition shall state what salary he proposes to give to such Curate, and whether the Curate proposes to reside or not reside in the parish in which such Benefice is situate; and if the Curate intends to reside therein, then whether in the Parsonage House or in what other house; and if he does not intend to reside in the parish, then such petition shall state at what distance therefrom, and at what place, such Curate intends to reside, and whether such Curate serves any other and what parish as Incumbent or Curate, or has any and what Ecclesiastical Preferment, or officiates in any other and what Church or Chapel; and such petition shall also state the annual value
30 and the population of the Benefice in respect of which any license for non-residence shall be applied for, and the number of Churches or Chapels, if more than One, upon such Benefice; and it shall not be lawful for the Bishop to grant any such license unless such petition shall contain a statement of the several particulars aforesaid; and every such petition shall be filed by the Bishop of the Diocese, and entered in a separate book, which shall be kept and preserved for that purpose; and such book shall not be open to public inspection, or disclosed, or copies thereof made, except with the leave in writing of the Bishop.

30.
Bishop may grant Licenses in certain cases enumerated.

And be it Enacted, That it shall be lawful for the Bishop, upon such petition being presented to him, and upon such proofs being adduced as to any facts stated in any such petition as he may think necessary and shall require to grant, in such cases as are hereinafter enumerated, in which he shall in his discretion think fit to grant the same, a license, in writing under his hand and seal, for such Spiritual Person to reside out of the proper house of residence of his Benefice
31 or Dignity, or out of the limits of his Benefice or Dignity, for the purpose of exempting such person from any pecuniary penalty in respect of any non-residence thereon; which license shall express the house or place in which the Spiritual Person to whom it is granted shall reside for the purpose of such exemption, and the cause of granting

the same license; (that is to say) to any Spiritual Person who shall be prevented from residing in the proper house of residence or within the limits of such Benefice by any incapacity of mind or body, or by the actual illness of his wife or child, making part of and residing with him as part of his family; and also to any Spiritual Person having or holding any Benefice wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such Spiritual Person, such unfitness not being occasioned by any negligence, default or other misconduct of such Spiritual Person and such spiritual Person keeping such house of residence, if any, and the buildings belonging thereto, in good and sufficient repair and condition, to the satisfaction of the Bishop, and a Certificate under the hand of two neighbouring Incumbents, and countersigned 32
by the Rural Dean, if any, that no convenient house can be obtained within the parish, or within the limits prescribed by this Act, being first produced to the Bishop; and also to any Spiritual Person holding any Benefice, and occupying in the same parish any mansion or messuage, whereof he shall be the owner, to reside in such mansion or messuage, such Spiritual Person keeping the house of residence, and other buildings belonging thereto, in good and sufficient repair and condition, and producing to the Bishop proof to his satisfaction, at the time of granting and renewing every such license, of such good and sufficient repair and condition: Provided always, That if any Spiritual Person applying to any Bishop for a license of non-residence for or on account of any or either of the reasons before enumerated shall think himself aggrieved by the refusal thereof, it shall be lawful for such Spiritual Person, within One Month after refusal, to appeal to the Archbishop of the Province, who shall forth- (subject to the restriction hereinafter provided) either by himself or by some Commissioner or Commissioners appointed under his hand 33
from among the other Bishops of his province, make or cause to be made inquiry into the same, and by writing signed by himself confirm such refusal, or direct the Bishop to grant a license under this Act, as shall seem to him just and proper.

Appeal to Archbishop in case of refusal.

31.

Under special circumstances Bishops may grant Licenses to reside out of the House or Benefice.

And be it Enacted, That it shall be lawful for the Bishop, in any case not hereinbefore enumerated, in which such Bishop shall think it expedient, to grant to any Spiritual Person holding any Benefice within his Diocese a license to reside out of the proper house of residence, or out of the limits of such Benefice, as the case may be: Provided always, That in every such case the nature and special circumstances thereof, and the reasons that have induced such Bishop to grant such license, shall be forthwith transmitted to the Archbishop of the Province, who shall forthwith, by himself or by some Commissioner or Commissioners appointed for that purpose under his hand from among the Bishops of the province, examine into such case, and make such inquiries as to any particulars relating thereto

Reasons for granting them to be transmitted to the Archbishop for examination and allowance; who may, after inquiry, annul, or in any manner vary License.

34 thereto as such Archbishop or Commissioner or Commissioners may think necessary; and after such inquiries made by himself, or, where the same shall be made by such Commissioner or Commissioners, after a report thereupon made in writing to such Archbishop, such Archbishop shall allow or disallow such license in the whole or in part, or make any alteration therein as to the period for which the same may have been granted or otherwise; and no such license shall be valid unless it shall have been so allowed by such Archbishop, such allowance thereof being signified by the signing thereof by such Archbishop: Provided always, That it shall not be necessary in such license to specify the cause of granting the same.

32.
By whom Licenses may be granted while a See is vacant, or the Bishop absent, &c.

And be it Enacted, That during the vacancy of any See the power of granting Licenses under this Act, subject to the regulations therein contained, shall be exercised by the Guardian of the Spiritualities of the Diocese; or in case the Bishop shall be disabled from exercising in person the functions of his office, such power shall be exercised by the person or persons lawfully empowered to exercise his general jurisdiction in the Diocese: Provided always, That no license granted by any other than the Bishop shall be valid until the 35 Archbishop of the Province shall have signified his approbation by signing the same.

33.
Limiting the time of Licenses.

And be it Enacted, That no license for non-residence granted under this Act or under the Act hereby repealed shall continue in force after the Thirty-first day of December, in the second year after the year in which such license hath been or shall be granted.

34.
Fee for Licenses.

And be it Enacted, That the person obtaining any license of non-residence shall pay for the same to the Secretary or Officer of the Bishop, or other person granting the same, the sum of Ten Shillings, exclusive of the Stamp Duty chargeable thereon, and no more, and also the sum of Three Shillings and no more to the Registrar of the Diocese, and shall also pay the sum of Five Shillings to the Secretary of the Archbishop when any such license shall have been signed by such Archbishop.

35.
Licenses not to be void by the death or removal of the Grantor.

And be it Enacted, That no license of non-residence granted under this Act shall become void by the death or removal of the Bishop granting the same, but the same shall be and remain valid, notwithstanding any such death or removal, unless the same shall be revoked as hereinafter mentioned.

36.
Licenses may be revoked.

And be it Enacted, That it shall be lawful for any Archbishop or 36 Bishop who shall have granted any license for non-residence as aforesaid, or for any Successor of any such Archbishop or Bishop, after having given such Incumbent sufficient opportunity of showing reason to the contrary, by an instrument in writing under his hand, to revoke any such license in any case in which there may appear to such Archbishop or Bishop good cause for revoking the same; provided that any such Incumbent may, within One Month after service on him of such revocation, appeal against the same by the Bishop in like manner and subject to the same restriction as hereby directed in case of the refusal of any such license.

37. Copies of Licenses or Revocations to be filed in the Registry of the Diocese, and a list kept for inspection;

and copies transmitted to Churchwardens, and publicly read at the first Visitation.

And be it Enacted, That every Bishop who shall grant or revoke any license for non-residence under this Act, shall and he is hereby required, within One Month after the grant or revocation of such licence, to cause a copy of every such license or revocation to be filed, in the Registry of his Diocese; and an alphabetical list of such licenses and revocations shall be made out by the Registrar of such Diocese, and entered in a book, and kept for the inspection of all persons upon payment of Three Shillings and no more; and a copy of every such license shall be transmitted by the Spiritual Person to whom such license shall have been granted to the 37 Churchwardens or Chapelwardens of the parish or place to which the same relates, within One Month after the grant of such license; and every Bishop revoking any such license, shall cause a copy of such revocation to be transmitted within One Month after the revocation thereof to the Churchwardens or Chapelwardens of the parish or place to which it relates; which copies of licenses and revocations shall be by them deposited in the Parish Chest, and shall likewise be produced by them, and publicly read by the Registrar or other Officer, at the visitation of the Ecclesiastical District within which such Benefice shall be locally situate next succeeding the receipt thereof; and every Spiritual Person who shall neglect to transmit a copy of such license, as hereby required, to such Churchwardens or Chapelwardens, as the case may be, shall lose all benefit thereof; and every Registrar who shall neglect to enter any such license or revocation shall forfeit for every such neglect the sum of Five Pounds: Provided always, That in case the Archbishop of the Province shall on appeal to him annul the revocation of any such license, the Bishop by whom such revocation shall have been made shall, immediately on receiving notice from the Archbishop that he had annulled the same, order by writing under his hand that the copies of such revocation shall be forthwith withdrawn from the said Registry and Parish Chest, and that the same shall not be produced and read at 38 the visitation, and that such revocation shall be erased from the List of revocations in the said Registry; which Order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.

38. A List of Licenses allowed by

And be it Enacted, That every Archbishop who shall in his own Diocese grant any license of non-residence, or who shall approve and

allow, in manner directed by this Act, any such license in any case not enumerated in this Act, shall annually, in the month of January in each year, transmit to His Majesty in Council a list of all licenses so granted or allowed by such Archbishop respectively in the year ending on the last day of December preceding such month of January, and shall in every such list specify the reasons which have induced him to grant or allow each such license, together with the reasons transmitted to him by the Bishops for granting each such license in their respective Dioceses; and it shall be lawful for His Majesty in Council, by an Order made for that purpose, to revoke and annul any
39 such license; and if His Majesty in Council shall think fit so to do, such Order shall be transmitted to the Archbishop who shall have granted or approved and allowed such license, who shall thereupon cause a copy of every such Order to be transmitted to the Bishop of the Diocese in which such license shall have been granted or allowed by such Archbishop; and such Bishop shall cause a copy of the mandatory part of the Order to be filed in the Registry of such Diocese, and a like copy to be delivered to the Churchwardens or Chapelwardens of the parish or place to which the same relates, in manner hereinbefore directed as to revocation of licenses; and every such Archbishop shall cause a copy of the mandatory part of every such Order made in relation to any such license granted by him in his own Diocese to be in like manner filed in the Registry of his Diocese, and a like copy also to be delivered to the Churchwardens or Chapelwardens of the parish or place to which such license shall relate, in manner before mentioned: Provided always, That after such license shall have been so revoked by His Majesty in Council, the same shall nevertheless, in all questions
40 that shall have arisen or may thereafter arise touching the non-residence of the Spiritual Person to whom the same shall have been granted, between the time at which the same was granted or approved and allowed, and the time of its being so revoked, be deemed and taken to have been valid.

the Archbishop, or granted in his own Diocese, shall be annually transmitted to His Majesty in Council, who may revoke Licenses, &c.

License, although revoked, shall be deemed valid between the Grant and Revocation.

39.
Incumbents to answer Queries transmitted to them by Bishop.

And be it Enacted, That it shall be lawful for each Bishop, and he is hereby required to transmit, some time in the month of January in each year, to every Spiritual Person holding any Benefice within his Diocese or Jurisdiction, such questions as may be from time to time settled and directed by His Majesty in Council for the purpose of enabling the several Bishops to make the returns hereafter mentioned; and every Spiritual Person to whom such questions shall be so transmitted shall and he is hereby required, within Three Weeks from the day on which the same shall be delivered to him or to the officiating Minister of the Benefice for the time being, to make and transmit to the Bishop full and specific answers thereto, such answers being countersigned by the Rural Dean, if any, of the Deanery or District in which the Benefice is situate; and every Spiritual Person neglect-

Persons neglecting to

answer to forfeit 10*l.*

ing to make and transmit such full and specific answers within such time as aforesaid shall forfeit for every such offence the sum of Ten Pounds.

40.
On or before 25th March annually a Return shall be made to His Majesty in Council of every Benefice, with Names of Residents and Non-residents, &c.

And be it Enacted, That on or before the Twenty-fifth day of March in every year, a Return shall be made to His Majesty in Council, by every Bishop, of the name of every Benefice within his Diocese or Jurisdiction, and the names of the several Spiritual 41
Persons holding the same respectively who shall have resided thereon, and also the names of the several Spiritual Persons who by reason of any exemption under or by virtue of this Act, or by reason of any license granted by such Bishop, shall not have resided on their respective Benefices, and also the names of all Spiritual Persons not having any such exemption or license who shall not have resided on their respective Benefices, so far as the Bishop is informed thereof, and also the names of all Curates licensed to serve any Benefice on which the Incumbent is not resident, with the amount in each case of the Curate's salary and the place of his residence.

41.
If any Person, neither licensed nor exempt, does not sufficiently reside, the Bishop may issue a Monition.

Returns to be made to Monitions, which may be required to be upon Oath.

Where Return shall not be made, or shall not be satisfactory, Bishop may order Residence, and if disobeyed may sequester the profits of the Benefice, and direct an application of the Profits.

And be it Enacted, That in every case in which it shall appear to the Bishop that any Spiritual Person holding any Benefice within his Diocese, and not having a license to reside elsewhere than in the house of residence belonging thereto, nor having any legal cause of exemption from residence, does not sufficiently, according to the true meaning and intent of this Act, reside on such Benefice, it shall be lawful for such Bishop, instead of proceeding for penalties under this or the said hereinbefore recited Act, or after proceeding for the same, to issue or cause to be issued a Monition to such Spiritual 42
Person, requiring him forthwith to proceed and to reside on such Benefice, and perform the duties thereof, and to make a Return to such monition within a certain number of days after the issuing thereof; provided that in every such case there shall be Thirty Days between the time of serving such monition on such Spiritual Person, in the manner hereinafter directed, and the time specified in such monition for the Return thereto; and the Spiritual Person on whom any such monition shall be served shall, within the time specified for that purpose, make a Return thereto into the Registry of the Diocese, to be there filed; and it shall be lawful for the Bishop to whom any such Return shall be made to require such Return or any fact contained therein to be verified by evidence; and in every case where no such Return shall be made, or where such Return shall not state such reasons for the non-residence of such Spiritual Person as shall be deemed satisfactory by the Bishop, or where such Return, or any of the facts contained therein, shall not be so verified as aforesaid when such verification shall have been required, it shall be lawful for the Bishop to issue an Order in writing under his hand and seal, requiring such Spiritual Person to proceed and reside as aforesaid within

within Thirty Days after such order shall have been served upon him,
in like manner as is hereinafter directed with respect to the service of
43 monitions; and in case of non-compliance with such Order, it shall be
lawful for the Bishop to sequester the profits of such Benefice until
such Order shall be complied with, or such sufficient reasons for non-
compliance therewith shall be stated and proved as aforesaid, and to
direct, by any Order to be made for that purpose under his hand, and
filed as aforesaid, the application of such profits, after deducting the
necessary expenses of serving the Cure, either in the whole or in such
proportion as he shall think fit, in the first place to the payment of
such reasonable expenses as shall have been incurred in relation to
such monition and sequestration, and in the next place towards the
augmentation or improvement of any such Benefice, or the house of
residence thereof, or any of the buildings and appurtenances thereof,
or towards the improvement of any of the glebe or demesne lands
thereof, or to order and direct the same, or any portion thereof, to be
paid to the treasurer of the governors of the bounty of Queen *Anne*,
for the purposes of the said bounty, as such Bishop shall in his discre-
tion under all circumstances think fit and expedient; and it shall
also be lawful for the Bishop, within Six Months after such Order for
sequestration, or within Six Months after any money shall have been
actually levied by such sequestration, to remit to such Spiritual
Person any proportion of such sequestered profits, or to cause the
same, or any part thereof, whether the same remain in the hands of
44 the Sequestrator or shall have been paid to the said Treasurer, to be
paid to such Spiritual Person; or in any case where such Benefice
shall be likewise under sequestration at the suit of a Creditor, or of the
said Governors, then to be paid to the Sequestrator for the benefit of
such Creditors or of the said Governors; and every such Sequestrator,
at the suit of the Bishop, is hereby required, upon receiving an Order
under the hand of such Bishop, forthwith to obey the same; and
the said Treasurer is hereby authorized and required, upon receiving
a like Order from such Bishop, to make such payment out of any
money in his hands: Provided always, That when any such Spiritual
Person shall think himself aggrieved by reason of any such seques-
tration issued by the Bishop, it shall be lawful for such Spiritual
Person, within One Month after the Order for any such sequestration
shall have been made, to appeal to the Archbishop of the Province,
who shall forthwith (subject to the restriction hereinafter provided),
either by himself or by some Commissioner or Commissioners appointed
under his hand from among the Bishops of his Province, make or
cause to be made due inquiry into the same, and make such Order
relating thereto, or to the profits that shall have been so sequestered
as aforesaid, for the return of the same or any part thereof to such
Spiritual Person, or to such Sequestrator at the suit of a creditor as
the case may be), or otherwise, as may appear to such Archbishop (after

Appeal against Sequestration may be made to the Archbishop.

such inquiry made by himself or by his Commissioner or Commissioners, and in the latter case after a report thereupon shall have 45
been made in writing to the said Archbishop) to be just and proper.

42.
Persons who shall return to Residence on Monition shall pay the the Costs.

And be it Enacted, That every Spiritual Person to whom any such Monition or Order in writing shall be issued as aforesaid, who shall be at the time of the issuing thereof absent from residence in or upon his Benefice contrary to the provisions of this Act, but who shall in obedience to such Monition or Order forthwith return to due residence, and the profits of whose Benefice shall by reason of such return not be sequestered, shall nevertheless pay all costs, charges and expenses incurred by reason of the issuing and serving such Monition or Order, and that the proceedings thereon shall not be stayed until such payment shall be made.

43.
If any Person returning to Residence on Monition shall, before Twelve Months thereafter, absent himself, the Bishop may without Monition sequester the profits of the Benefice.

AND for effectually enforcing *bonâ fide* residence according to the intent of such Monition and Order, BE it further Enacted, That if any Spiritual Person not having a license to reside out of the limits of his Benefice, nor having other lawful cause of absence from the same, who, after any such Monition or Order as aforesaid requiring him to reside, and before or after any such sequestration as aforesaid, shall in obedience to any such Monition or Order have begun to reside
upon his Benefice, shall afterwards, and before the expiration of 46
Twelve Months next after the commencement of such residence, without the leave of the Bishop, wilfully absent himself from such Benefice for the space of One Month together, or to be accounted at several times, it shall be lawful for the Bishop, without issuing any other Monition or making any Order, to sequester and apply the profits of such Benefice as before directed by this Act, for the purpose of enforcing the residence of such Spiritual Person, according to the true intent of the original Monition issued by the Bishop as aforesaid; and it shall be lawful for the Bishop so to proceed in like cases from time to time as often as occasion may require; provided, that in each such case such Spiritual Person shall be entitled to appeal against such sequestration, in such manner and within such period and subject to the same restriction as hereby directed touching appeals respecting sequestration, but nevertheless such sequestration shall be in force during such appeal.

44.
Penalties beyond a certain amount, for the recovery of which Monition has been issued, may be remitted by the Bishop, special Returns being made of the reasons for such remission.

And be it Enacted, That in every case in which any Archbishop or Bishop shall think proper, after proceeding by Monition for the
recovery of any penalty under this Act of more than One-third of 47
the value of any Benefice, for any non-residence exceeding Six Months in the year, to remit the whole or any part of any such penalty, such Archbishop shall forthwith transmit to His Majesty in Council, and such Bishop shall transmit to the Archbishop of the Province to which he belongs a list of such cases as have occurred in his Diocese,

specifying the nature and special circumstances of each case, and the reasons for the remission, in the same manner as is directed in relation to the licenses for non-residence granted in non-enumerated cases; and it shall thereupon be lawful for His Majesty in Council, or for the Archbishop, as the case may be, to allow or disallow such remission in whole or in part, in the same manner as is provided in this Act with relation to the allowance or disallowance of licenses for non-residence: Provided always, That the decision of the Archbishop, with respect to cases transmitted to him from a Bishop, shall be final.

45.
If any Benefice shall continue under such a Sequestration One Year, or incur Two such Sequestrations within Two Years, it shall become void; except in cases of Relief upon Appeal.

48 And be it Enacted, That if the Benefice of any Spiritual Person shall continue for the space of One whole year under sequestration issued under the provisions of this Act for disobedience to the Bishop's Monition requiring such Spiritual Person to reside on his Benefice, or if such Spiritual Person shall under the provisions of this Act incur Two such sequestrations in the space of Two Years, and shall not be relieved with respect to either of such sequestrations upon appeal, such Benefice shall become *ipso facto* void; and the Bishop shall thereupon give notice to the Patron, which notice shall either be delivered to such Patron or left at his usual or last place of abode; or if such Patron or place of abode shall be unknown, or shall be out of *England*, such notice shall be Twice inserted in the *London* Gazette, and also Twice in some Newspaper printed and usually circulated in the neighbourhood of the place where such Benefice is situate, and the avoidance of the Benefice shall be reckoned from the day on which such notice shall have been delivered as aforesaid, or from the day of the second publication of such notice in the *London* Gazette, as the case may be; and the Clerk whom the Patron shall present or nominate to such Benefice so avoided shall not be the person by whose non-residence the same was so avoided.

46.
Contracts for letting Houses in which any Spiritual Persons shall by Order of the Bishop be required to reside shall be void.

49 And be it Enacted, That all agreements made for the letting of the house of residence, or the buildings, gardens, orchards or appurtenances necessary for the convenient occupation of the same, belonging to any Benefice, to which house of residence any Spiritual Person shall be required by Order of the Bishop as aforesaid to proceed and to reside therein, or which shall be assigned or appointed as a residence to any Curate by the Bishop, shall, upon a copy of such Order, assignment or appointment being served upon the Occupier thereof, or left at the house, be null and void; and a copy of every such Order, assignment or appointment shall immediately on the issuing thereof be transmitted to one of the Churchwardens of the parish, or such other person as the Bishop shall think fit, and be by him forthwith served on the Occupier of such house of residence, or left at the same; and any person continuing to hold any such

Any Person holding Possession after the Day appointed shall be subject to Penalty.

house of residence, or any such building, garden, orchard or appurtenances, after the day on which such Spiritual Person shall be directed by such Order to reside in such house of residence, or which shall be specified in any such Order, assignment or appointment, and after such copy shall be so served or left as aforesaid, shall forfeit the sum of Forty Shillings for every day he shall, without the permission of the Bishop in writing for that purpose obtained, wilfully 50
continue to hold any such house, building, garden, orchard or appurtenances, together with the expense of serving or leaving such Order, assignment or appointment, to be allowed by the Bishop issuing the Order or making such assignment or appointment; and it shall also be lawful for the Spiritual Person so directed to reside, or the Curate to whom any such residence is assigned, to apply to any Justice of the Peace having jurisdiction in the place for a Warrant for the taking possession thereof; and the Justice to whom any such Order for such possession is produced shall and he is hereby required, upon its being duly verified, to grant a Warrant to some Peace Officer to deliver such possession, and possession may thereupon be taken of such house under such warrant at any time in the day-time by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise; any law or statute to the contrary notwithstanding.

47.
Incumbent not liable to Penalty while the Tenant shall continue to occupy.

Provided always, and be it Enacted, That no Spiritual Person shall be liable to any penalty for not residing in any such house of residence during such time as such Tenant shall continue to 51
occupy such house of residence or other building necessary to the occupation of the same.

48.
No Oath relating to Residence shall be required of any Vicar.

And be it Enacted, That no oath shall be required of or taken by any Vicar in relation to residence on his Vicarage; any law, custom, constitution or usage to the contrary notwithstanding.

49.
Non-resident Incumbents neglecting to appoint Curates, Bishop to appoint.

And be it Enacted, That if any Spiritual Person holding any Benefice, who shall not actually reside thereon Nine Months in each year, (unless such person shall perform the ecclesiastical duties of the same, having a license to reside out of the same, or to reside out of the usual house of residence belonging to the same,) shall for a period exceeding Two Months altogether in the course of any One Year absent himself from his Benefice without leaving a Curate or Curates duly licensed or approved by the Bishop to perform such ecclesiastical duties, or shall, for the period of One Month after the death, resignation, or removal of any Curate who shall have served his Church or Chapel, neglect to notify such death, resignation or removal to the Bishop, or to nominate to the Bishop a proper Curate; in every such case, and in every case in which, although such notice

52 may have been given, no Curate shall be nominated to the Bishop for the purpose of being licensed by him within the period of Two Months after such death, resignation or removal, the Bishop is hereby authorized to appoint and license a proper Curate, with such salary as by this Act allowed and directed, to serve the Church or Chapel of the Benefice in respect of which such neglect or default shall have occurred: Provided always, That such license shall in every case specify whether the Curate is required to reside within the parish or place or not; and if the Curate is permitted by the Bishop to reside out of the parish or place, the grounds upon which the Curate is so permitted to reside out of the same shall be specified in such license, and the distance of the residence of any Curate from any such Church or Chapel which he shall be licensed to serve shall not exceed Three statute Miles, except in cases of necessity, to be approved by the Bishop and specified in the license.

50. Curate to reside on Benefices, under certain circumstances.

And be it Enacted, That in every case where a Curate is appointed to serve in any Benefice upon which the Incumbent either does not reside, or has not satisfied the Bishop of his full purpose to reside, 53 during Four Months in the year, such Curate shall be required by the Bishop to reside in the parsonage house or house of residence of such Benefice, or if there be no fit house of residence, then within the parish in which such Benefice is situate; or if no convenient residence can be procured within such parish, then within Three statute Miles of the Church or Chapel of the Benefice in which he shall be licensed to serve, except in cases of necessity, to be approved of by the Bishop and specified in the license, and such place of residence shall be specified in the license.

51. Extension of the Provisions of the Acts 17 G. 3. c. 53, and 21 G. 3, c. 66. relating to the repairing and rebuilding of Houses of Residence.

AND whereas, for further promoting the residence of the Clergy, it is expedient and desirable that the powers and provisions given and made by an Act passed in the seventeenth year of the reign of King George the Third, intituled, "An Act to promote the Residence of the Parochial Clergy by making Provision for the more speedy and effectual building, rebuilding, repairing or purchasing Houses and other necessary Buildings and Tenements for the use of their Benefices," as the same are explained and amended by an Act passed in the twenty-first year of the same reign, intituled, "An Act to explain and amend an Act made in the seventeenth year of the reign of his present Majesty, intituled, 'An Act to promote the Residence of the Parochial Clergy by making Provision for the more speedy and effectual building and rebuilding, repairing or purchasing Houses and other necessary Buildings and Tenements 54 for the use of their Benefices,'" should be extended; BE it therefore Enacted, That after the passing of this Act it shall be lawful for the Incumbent of any Benefice to borrow and take up at interest for

the purposes of the two last hereinbefore recited Acts, and also for the purpose of buying or procuring if necessary a proper site for a house and other necessary buildings, any sum or sums of money not exceeding Two Years' net income of such Benefice where such income amounts to or exceeds Four hundred Pounds per annum, nor exceeding Two and a Half Years' income where such income amounts to or exceeds Three hundred Pounds per annum, but is below Four hundred Pounds, nor exceeding Three Years' Income where such income is below Three hundred Pounds, and to take all such proceedings as are required in and by the said last-recited Acts (so far as the same are applicable for that purpose), and as a security for the money so to be borrowed, to mortgage the glebe, tithe, rents and other profits and emoluments belonging to such Benefice to such person or persons, corporation or corporations, aggregate or sole, as shall lend the same money, by One or more deed or deeds, for the term of Thirty-five Years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied according to the terms and conditions of the 55
said last-recited Acts (so far as the same are applicable and not hereby repealed or altered); and that from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable) the Incumbent shall yearly and every year (such year to be computed from the day of the date of the mortgage) pay to the mortgagee One-thirtieth part of the said principal sum, until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the yearly interest on the said principal sum, or on so much thereof as shall from time to time remain unpaid, in each case according to the terms and conditions of the said last-recited Acts, except so far as the same are hereby repealed or altered; and such mortgage deed or deeds shall be made as nearly as may be in the form or to the effect of the form contained in the Schedule to the last-recited Acts or one of them, and shall bind every succeeding Incumbent of such Benefice until the principal and interest, costs and charges shall be paid off and discharged, as fully and effectually as if such successor had made and executed the same.

52.
Power to Bishops to enforce such extended Provisions by Monition, &c.

And be it Enacted, That where it shall appear to any Bishop that it is necessary, for effecting the good purposes of the last-recited Acts, that Money should be borrowed under the powers of the same Acts 56
and of this Act, it shall be lawful for such Bishop, by writing under his hand, to require the Incumbent of any Benefice situate within his Diocese above the value of One hundred and fifty Pounds per annum, upon which there shall be no house of residence, or no house of residence in which such Incumbent shall be willing to reside,

reside, to borrow and take up at interest for the said purposes such sum or sums of money as such Incumbent is by the said last-recited Act or by this Act authorized to raise, and to make and execute such mortgage for securing the same to the person or persons, corporation or corporations, lending the same, as hereinbefore mentioned; and in case such Incumbent shall refuse or neglect to comply with such requisition, it shall be lawful for such Bishop to issue or cause to be issued a Monition directing such Incumbent to borrow and take up at interest, and make and execute such mortgage for securing such sum or sums of money as aforesaid, for the purposes aforesaid; and in case such Incumbent shall refuse or neglect to comply with such Monition, it shall be lawful for such Bishop to enforce the same by sequestration of the profits of such Benefice; and the Sequestrator in every such case shall procure the same certifi-
57 cates, plans and estimates, and make the same accounts, as are required
58 and directed to be made by the last-recited Acts or either of them,
and borrow and take up at interest the same sums of money, and execute the same mortgage or mortgages, as the Incumbent is authorized and may be hereby required to make; provided that it shall be lawful for the Bishop, by writing under his hand, if he shall think fit, to direct that any mortgage executed by a Sequestrator shall be for a shorter term of years than if it had been executed by the Incumbent himself, and that the yearly instalment shall be of a greater amount than One-thirtieth part, but not exceeding One-tenth part of the principal money so to be borrowed, as the Bishop shall think fit; and every mortgage made and executed by every such Sequestrator shall bind every Incumbent of such Benefice for the term of years thereby created or granted, and until the principal and interest, and all costs and charges, as well as of the Sequestrator as otherwise, incurred in respect thereto, shall be paid off and discharged, as fully and effectually as if such Incumbent had himself made and executed the same: Provided always, That none of the covenants, clauses or agreements to be contained in any mortgage to be made by such Sequestrator shall be deemed to bind such Sequestrator personally, or his real or personal representatives, but shall bind the Incumbent for the time being of such Benefice in the same manner as if he himself had made and executed such mortgage:
59 Provided also, That if any Bishop shall see reason in any case for not exercising the power given to him by this enactment, he shall in every return by him made to His Majesty in Council, stating that there is no house of residence on such Benefice, give his reason for not exercising the same: Provided also, That it shall not be lawful for the Bishop to require any Incumbent who is actually resident in the parish or place wherein his Benefice may be, but not resident in the glebe house, to borrow any such sum or sums of money: Provided also, That in every case in which the Bishop shall require such Incumbent to borrow and take up at interest any sum or sums of

of money for the purpose of enlarging the existing house of residence or of adding thereto, it shall be lawful for such Incumbent to appeal to the Archbishop from any such Order of the Bishop, and the Archbishop, after inquiring into the circumstances of the case, shall certify to the Bishop and Incumbent whether the said Order so appealed against shall be of force or not.

53.
Provisions of last-recited Acts which compel non-resident Incumbents to pay 10*l.* per cent. per an. of Sum borrowed, repealed as to future Mortgages.

And be it Enacted, That so much of the two last-recited Acts as requires the Incumbent of a Benefice mortgaged under the provision thereof, if non-resident, to pay Ten Pounds per centum per annum of the money originally advanced, and obliges an Incumbent paying Five Pounds per centum to produce a certificate of residence, shall be, as to all mortgages to be made after the passing of this Act, and 60
the same are hereby Repealed.

54
The yearly Instalments of Principal Sums secured by existing Mortgages reduced in certain cases.

And be it Enacted, That for the future, as to every mortgage which has been made to the Governors of the Bounty of Queen *Anne* for the augmentation of the maintenance of the poor Clergy, by a Bishop, under the powers of an Act of Parliament specially enabling him, whereby a greater yearly instalment than One-thirtieth part of the principal sum is stipulated to be paid, or by the Incumbent of a Benefice by virtue of the two last hereinbefore recited Acts, the instalment of the principal sum to be paid in every year by the Bishop or by the Incumbent (whether such Incumbent shall have been resident for the space of Twenty Weeks in the year for which such instalment shall be payable or not, and without the production of any certificate of such residence) to the said Governors or their assigns, shall be One-thirtieth part of the principal sum originally advanced on such mortgage, in lieu of the yearly instalment thereby stipulated to be paid, until the whole of the said principal sum shall be fully discharged and paid, such substituted yearly instalment to commence and be paid in each case on the day when the next yearly instalment by virtue of the said mortgage shall become due; and the mortgage made to the said Governors of the estates of 61
any Bishoprick, or of the glebe, tithes, rents and other profits and emoluments of any Benefice, shall in every case be and remain in force as a security for the yearly instalments by this Act substituted for the yearly instalments of the principal by the said mortgage agreed to be paid, as well as for the payment of the interest arising on such mortgage, and with all the powers and remedies for enforcing the same given by the said respective Acts, until the money borrowed, and all interest for the same, and also all costs and charges which shall be occasioned by the non-payment thereof, shall be fully paid and discharged, in like manner as if substituted yearly instalments had been expressly mentioned in and secured by the said mortgage, the expiration of the term of years granted by the said

said mortgage, or any other cause or matter whatsoever notwithstanding.

55.
Governors of Queen Anne's Bounty may advance 100*l.* for Benefices not exceeding 50*l.* a year, without Interest;

And be it further Enacted, That it shall be lawful for the said Go-
vernors to advance and lend any sum or sums of money, not ex-
ceeding the sum of One hundred Pounds, in respect of each Bene-
62 fice, out of the money which has arisen or shall from time to time
arise from that bounty, for promoting and assisting the several pur-
poses of this Act with respect to any such Benefices as shall not
exceed the clear annual improved value of Fifty Pounds, and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are hereinbefore mentioned, but no interest shall be paid for the same; and in cases where the annual value of such Benefice shall exceed the sum of Fifty Pounds, that it shall and may be lawful for the said Governors to advance and lend for the purposes of this Act any sum or sums of money to the extent authorized by this Act to be borrowed upon such mortgage, and security as aforesaid, and subject to the several regulations of this Act, and to receive interest for the same not exceeding Four Pounds for One hundred Pounds by the year.

and any Sums for other Benefices at Four per cent.

56.
Colleges, &c. may advance Money, Interest-free, to Benefices in their Patronage.

And be it further Enacted, That it shall be lawful for any College
or Hall within the Universities of *Oxford* and *Cambridge*, or for any
other corporate bodies possessed of the patronage of Ecclesiastical
63 Benefices, to advance and lend any sum or sums of money of which
they have the power of disposing, in order to aid and assist the several purposes of this Act for the building, rebuilding, repairing or purchasing of any houses or buildings for the habitation or convenience of the Clergy upon Benefices under the patronage of such Colleges or Halls respectively, upon the mortgage and security directed by this Act for the repayment of the principal, without taking any interest for the same.

57.
Old Benefice Houses in certain Cases may be converted into Farming Houses for the Tenants of the Glebe, &c.

And be it Enacted, That when it shall happen that any existing
house and offices belonging to any Benefice shall be unfit for the re-
sidence of the Incumbent thereof, and shall be incapable of being
enlarged or repaired for that purpose, and it shall be so certified to
the Bishop of the Diocese wherein such Benefice shall be situate by
64 some competent surveyor or architect upon oath, and that it will be
advantageous to the Benefice that such house and offices should be suffered to remain, it shall be lawful for such Incumbent, with the consent in writing of such Bishop (such consent to be registered in the Registry of such Bishop) where there shall be glebe lands to the extent of Acres belonging to such Benefice, and there shall be no house or farming buildings upon the said lands for the use of the tenants thereof, but not otherwise, to allow such

house and offices to remain standing as a dwelling-house and offices, or to convert the same into farming buildings, for the use and occupation of the said occupier or occupiers of such glebe lands; and from and after the complete erection of a new house and offices under the powers and authorities of the said last-recited Acts and of this Act, such old house and offices shall from thenceforth be used and converted to the purposes aforesaid, and such new house and offices shall from thenceforth to all intents and purposes be deemed and taken to be the residence house of and for such Benefice without the necessity of obtaining any license or faculty for that purpose.

58.
Benefice not having fit House of Residence may, on avoidance, be sequestered by Bishop, till House built or repaired.

And be it Enacted, That upon the avoidance of any Benefice, 65
the annual value whereof shall not exceed Two hundred Pounds, and on which there shall be no fit house of residence, it shall be lawful for the Bishop of the Diocese, and he is hereby required to sequester the profits of such Benefice, and, after providing for the due performance of the ecclesiastical duties thereof, to apply the remaining profits of such Benefice, and also the amount of dilapidations, if any, which shall be recovered from the late Incumbent thereof, or his representatives, which dilapidations the Sequestrator appointed by such Bishop is hereby authorized and required to sue for and recover, towards the providing of a fit house of residence for the Incumbent of such Benefice; provided that, notwithstanding such sequestration, it shall be lawful for the person or persons to whom the right of presentation to such Benefice shall belong to present or nominate to the Bishop, for institution or license thereto, such Spiritual Person, being duly qualified, as he or they shall think fit; but nevertheless it shall be lawful for such Bishop to withhold institution or license to such Benefice until a fit house of residence shall have been provided as aforesaid: Provided always, That if any
Bishop shall see reason for not issuing such sequestration, or for 66
withdrawing such sequestration if issued, before a sufficient house of residence shall have been so provided as aforesaid, he shall, in the next return hereinbefore directed to be made to His Majesty in Council, state his reasons for not issuing or for withdrawing such sequestration, as the case may be.

59.
If Duty be inadequately performed, the Bishop may appoint Curate.

And be it Enacted, That whenever the Bishop shall see reason to believe that the ecclesiastical duties of a Benefice are inadequately performed, it shall be lawful for him to issue a Commission to Four beneficed Clergymen, one whereof shall be the Rural Dean, if any, of the Rural Deanery or District wherein such Benefice is situate, and the other Three (or the Four, if there be no Rural Dean,) Incumbents of Benefices within Five Miles of the Church or Chapel of such Benefice, directing them to inquire into the facts of the case; and if they or the major part of them report in writing under their

hands

hands to the said Bishop, that the duties of such Benefice are inade-
quately performed, or if there be more than One Church or Chapel
belonging to such Benefice, it shall be lawful for such Bishop, in
67 either of the said cases, by writing under his hand, to require the
Spiritual Person holding such Benefice, though he may actually
reside or be engaged in performing the duties thereof, to nominate
to him a fit person or persons, with sufficient stipend or stipends, to
be licensed by him to perform or to assist in performing such duties,
specifying therein the grounds of such requisition; and if such
Spiritual Person shall neglect or omit to make such nomination for
the space of Three Months after such requisition so made as afore-
said, it shall be lawful for the Bishop to appoint a Curate or Cu-
rates, as the case shall appear to him to require, with such stipend
or stipends as he shall think fit to appoint, not exceeding the respec-
tive stipends allowed to Curates by this Act in the case of non-resi-
dent Incumbents, nor, except in the case of negligence, exceeding
One-half of the net annual value of such Benefice; and such Bishop
shall cause every such requisition, and every affidavit made to found
the same, to be forthwith filed in the Registry of his Court: Pro-
vided always, That it shall be lawful for any such Spiritual Person,
who shall think himself aggrieved by any such appointment of
68 such Curate or Curates, to appeal to the Archbishop of the Province
in the like manner as a Spiritual Person may appeal against a
sequestration issued by a Bishop, and subject to the same restric-
tion.

But Incumbent may appeal.

60.

In large Benefices an Assistant Curate may be required.

And be it Enacted, That whenever the annual value of a Benefice
shall exceed Four hundred Pounds, and the population thereof shall
amount to Two thousand, it shall be lawful for the Bishop to require
the Spiritual Person holding such Benefice, although he shall be resi-
dent thereon or engaged in performing the duties thereof, to nominate a
fit and proper person to be licensed as a Curate to assist in performing
the duties of such Benefice, and to be paid by the person holding
the same; and whenever the population of a Benefice shall amount
to Two thousand, and it shall be made to appear to the satisfaction
of the Bishop that a stipend can be provided for the payment of a
Curate by voluntary contribution, or otherwise, without charge to
the Incumbent, it shall be lawful for the Bishop to require the
Spiritual Person holding the same to nominate a fit person to be
licensed as such Curate, whatever may be the annual value of such
69 Benefice; and if in either of the said cases a fit person shall not be
nominated to the Bishop within Two Months after his requisition for
that purpose shall have been delivered to the Incumbent, or left at his
last or usual place of abode, it shall be lawful for the Bishop to appoint
and license a Curate, with such stipend as he shall think fit to ap-
point, not exceeding the respective stipends allowed to Curates by

this Act, nor in any case exceeding One-fifth part of the net annual value of the Benefice; and in case such stipend shall be derived in whole or in part from other sources than from payments to be made by the Incumbent, such license so granted shall not be of force to entitle such Curate to demand any payment from such Incumbent beyond the amount which such Incumbent shall have agreed in the nomination given by him to the Bishop to pay to such Curate.

61.
Power to Bishop to appoint Curate when Incumbent found of unsound mind.

And be it Enacted, That whenever the Incumbent of any Benefice shall be rendered incompetent to perform the duties thereof by reason of age, sickness or any infirmity of body or mind, it shall be lawful for the Bishop of the Diocese in which such Benefice is situate to appoint and license a Curate to perform the ecclesiastical duties of such Benefice during such incapacity of the Incumbent 70 thereof as aforesaid, and to assign to such Curate such stipend as he shall think fit, not exceeding the stipend allowed to Curates under this Act, together with the use of the house of residence of such Benefice, if the Incumbent shall not continue to reside therein.

62.
Stipend to be paid by Committee of Lunatic's Estate;

And be it further Enacted, That the Committee of the estate of any such lunatic or person of unsound mind appointed by the Court of Chancery shall pay such stipend to the Curate so appointed as aforesaid out of the profits of the Benefice which shall come to his hands; and that it shall be lawful for the Master in Chancery to whom the matter of the lunacy shall be referred, and he is hereby required to allow every such payment in the accounts of such Committee.

63.
Or recovered by Sequestration.

Provided always, and be it Enacted, That in case of the wilful neglect or refusal of such Committee to pay such stipend or any part thereof, it shall be lawful for the Bishop to sequester the profits of such Benefice until such stipend or so much thereof as shall remain due and unpaid shall have been fully paid and discharged.

64.
Bishops may enforce Two Services on Sundays in certain cases.

And be it further Enacted, That there shall be Two full Services, 71 each of such Services to include a sermon or lecture, on every Sunday throughout the year in the Church or Chapel of every Benefice whereof the annual value shall amount to One hundred and fifty Pounds, and the population shall amount to Four hundred, unless the Bishop of the Diocese shall for good cause dispense with one of such Services, or any part thereof; and it shall be lawful for the Bishop, in his discretion, to order that there shall be Two such full Services as aforesaid on every Sunday throughout the year in the Church or Chapel of every Benefice within his Diocese, whatever may be the annual value or the population thereof: Provided always,

That

Not to affect the Provisions of the Act 58 G. 3. c. 45. s. 65.

That nothing herein contained shall be taken to repeal or affect the provisions of an Act passed in the fifty-eighth year of the reign of his late Majesty King George the Third, intituled, "An Act for building and promoting the building of additional Churches in populous Parishes," by which the Bishop of any Diocese is empowered to direct the Performance of a Third or additional Service in the several
72 Churches or Chapels within his Diocese, under the circumstances therein mentioned.

65. Statement of particulars necessary to be given and Declaration to be made, on application for a License for a Curate.

And be it Enacted, That every Bishop to whom any application shall be made for any license for a Curate to serve for any person not duly residing upon his Benefice, shall, before he shall grant such license, require a statement of all the particulars by this Act required to be stated by any person applying for a license for non-residence; and in every case in which application shall be made to any Bishop for a license for any stipendiary Curate to serve in any Benefice, whether the Incumbent be resident or non-resident, such Bishop shall also require a declaration in writing, to be made and subscribed by the Incumbent and the Curate, to the purport and effect that the one, *bonâ fide*, intends to pay, and the other, *bonâ fide*, intends to receive, the whole actual stipend mentioned in such
73 statement, without any deduction or reservation whatever.

66. Fee for License.

And be it Enacted, That every Curate obtaining such license as aforesaid shall pay to the Secretary or other proper Officer of the Bishop for the same the sum of One Pound, exclusive of any stamp duty which may be chargeable thereon, which sum of One Pound shall be in lieu of all fees heretofore demandable by such Secretary or Officer for such license, or for any Certificate connected therewith; and that whenever any person shall be licensed to two Curacies within the same Diocese at the same time, it shall be sufficient for such person to sign a declaration, appointed to be signed by an Act, intituled, "An Act of Uniformity," once only; and it shall be sufficient for such person to produce One Certificate only of his having so signed such declaration.

67. Bishop shall apoint Stipends to Curates;

And be it Enacted, That it shall be lawful for the Bishop of the Diocese, and he is hereby required, subject to the several provi-
74 sions and restrictions in this Act contained, to appoint to every Curate of a non-resident Incumbent such stipend as is specified in this Act; and every license to be granted to a stipendiary Curate under this Act, whether the Incumbent of the Benefice be resident or non-resident thereon, shall specify the amount of the stipend to be paid to the Curate; and in case any difference shall arise between the Incumbent of any Benefice and his Curate touching such

and decide differences respecting them.

stipend, or the payment thereof or of the arrears thereof, the Bishop, on complaint to him made, may and shall summarily hear and determine the same, without appeal, and in case of wilful neglect or refusal to pay such stipend or the arrears thereof, he is hereby empowered to enforce payment of such stipend or the arrears thereof by monition and sequestration of the profits of such Benefice.

68.
Stipends to Curates of Incumbents before 20th July 1813 not to exceed a certain Rate.

And be it Enacted, That it shall not be lawful for the Bishop to
appoint for the Curate of any Benefice, to which the Spiritual
Person holding the same was instituted or appointed before the 75
Twentieth day of July One thousand eight hundred and Thirteen,
any stipend exceeding Seventy-five Pounds per annum, together with the use of the house of residence and the gardens and stables belonging thereto, or a further sum of Fifteen Pounds in lieu of the use of the Rectory or Vicarage House, or other house of residence, in case there shall be no house, or it shall not appear to the Bishop convenient to assign the house to the Curate.

69.
Stipends to Curates to be in proportion to the value and population of the Benefice.

And be it Enacted, That in every case in which any Spiritual Person shall have been, since the Twentieth day of July One thousand eight hundred and Thirteen, or shall hereafter be, instituted or inducted or nominated or appointed to, or otherwise become Incumbent of, any Benefice, and shall not duly reside thereon, unless such person shall perform the ecclesiastical duties of the same, having a legal exemption from residence or a license to reside out of the same, or out of the house of residence belonging
to the same, the Bishop shall appoint for the Curate licensed to serve
such Benefice such stipend as is hereinafter next mentioned; (that 76
is to say) such stipend shall in no case be less than Eighty Pounds
per annum, or than the annual value of the Benefice if such value shall not amount to Eighty Pounds; nor less than One hundred Pounds per annum, or than the whole value if such value shall not amount to One hundred Pounds, in any parish or place where the population shall amount to Three hundred Persons; nor less than One hundred and twenty Pounds per annum, or than the whole value if such value shall not amount to One hundred and twenty Pounds, in any parish or place where the population shall amount to Five hundred Persons; nor less than One hundred and fifty Pounds per annum, or than the whole value if such value shall not amount to One hundred and fifty Pounds, in any parish or place where the population shall amount to One thousand Persons.

70.
Larger Stipends in certain cases of larger value and population.

And be it Enacted, That where the annual value of any such
Benefice shall exceed Four hundred Pounds, it shall be lawful for 77
the Bishop to assign to the Curate, being resident within the same,
and

and serving no other Cure, a stipend of One hundred Pounds, notwithstanding the population may not amount to Three hundred Persons; and that where the annual value of any such Benefice shall exceed Four hundred Pounds, and the population shall amount to Five hundred Persons, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, any larger stipend, so that the same shall not exceed by more than Fifty Pounds per annum the amount of the stipend hereinbefore required to be assigned to any such Curate; and that where the population of any such Benefice shall exceed Two thousand Persons, it shall be lawful for the Bishop to require the Incumbent thereof to nominate to him Two persons to be licensed as Curates, and to assign to each such stipend as he shall think fit, not exceeding, in the case of One such Curate, the highest rate of stipend allowed by this Act; nor where more than one Curate is appointed a stipend exceeding One hundred Pounds to more than One such Curate.

71.
Smaller Stipends in certain cases.

78 And be it Enacted, That in every case in which the Bishop shall be satisfied that any Spiritual Person holding any Benefice within his Diocese is or has become non-resident, or incapable of performing the duties thereof from age, sickness or other unavoidable cause, and that, from these or from any other special and peculiar circumstances, great hardship or inconvenience would arise if the full stipend specified in this Act should be allowed to the Curate of such Benefice, it shall be lawful for such Bishop to assign to the Curate such stipend less than the full amount in this Act specified as shall appear to him just and reasonable: Provided always, That in the license granted in every such case it shall be stated that for special reasons the Bishop hath not thought proper to assign to the Curate the full stipend required by this Act: Provided also, That such special reasons shall be entered fully in a separate book to be kept for that purpose, and to be deposited in the Registry of the Diocese, which book shall not be open to inspection unless with the leave of the Bishop, as in the cases of application for licenses for non-residence.

72.
Stipend of Curate engaged to serve interchangeably at different Places belonging to the same Incumbent.

79 And be it Enacted, That if any Incumbent of Two Benefices, residing *bonâ fide* in different proportions of every year on one or other of such Benefices the full period specified by this Act, shall employ a Curate to perform ecclesiastical duty interchangeably from time to time upon such of the Benefices from which he shall be absent during his own actual residence upon the other thereof, it shall be lawful for the Bishop to assign to such Curate any stipend not exceeding such stipend as would be allowed under this Act for the larger of such Benefices, nor less than would be allowed for the

smaller, as to the Bishop shall under all the circumstances appear just and reasonable: Provided always, That if any such Incumbent shall employ a Curate or Curates for the whole year upon each of such Benefices, such Incumbent so residing *bonâ fide* as aforesaid, in such case it shall be lawful for the Bishop to assign to either or each of such Curates any such stipend less than the amount specified in this Act, as he shall think fit.

73. How the Stipends shall be adjusted where the Curate is permitted to serve in an adjoining Parish.

And be it Enacted, That in every case where the Bishop shall find it necessary or expedient for obtaining the proper performance of ecclesiastical duties to license any Spiritual Person holding any Benefice to serve as Curate of any adjoining or other parish or 80 place, it shall be lawful for such Bishop, if he shall think fit, to assign to such person so licensed a stipend less by a sum not exceeding Thirty Pounds per annum than the stipend which in the several cases in this Act specified the Bishop is required to assign; and in every case where the Bishop shall find it necessary or expedient to license the same person to serve as Curate for two parishes or places, it shall be lawful for such Bishop, if he shall think fit, to direct that during such time as such Curate shall serve the Churches or Chapels of such two parishes or places, the stipend to be received by him for serving each of the said Churches or Chapels shall be less by a sum not exceeding Thirty Pounds per annum than the stipend which in several cases hereinbefore specified the Bishop is required by this Act to assign. 81

74. Agreements for Stipends to Curates contrary to this Act void.

And be it Enacted, That all agreements made or to be made between persons holding Benefices and their Curates, in fraud or derogation of the provisions of this Act, and all agreements whereby any Curate shall undertake or in any manner bind himself to accept or be content with any stipend less than that which shall be assigned by his license, shall be void to all intents and purposes, and shall not be pleaded or given in evidence in any court of law or equity; and, notwithstanding the payment and acceptance, in pursuance of any such agreement, of any sum less than that assigned by the license, or any receipt, discharge or acquittance that may be given for the same, the Curate and his personal representatives shall be and remain entitled to the full amount of the stipend assigned by his license; and the payment of so much thereof as shall be proved to the satisfaction of the Bishop to remain unpaid shall, together with full costs of recovering the same as between proctor and client, be enforced by monition, and by sequestration of the profits of the Benefice, to be issued by the Bishop for that purpose, on application made by the Curate or his representatives; provided that such application shall in every such case be made to the Bishop within Twelve Months after he shall have quitted his Curacy, or have died: 82

Provided also, That no sequestration by virtue of this enactment shall affect the profits of any Benefice beyond the time during which the Benefice shall be held by the person liable to make the payment in respect of which such profits shall be sequestered.

75. Curate's Stipend, if of the value of the Benefice, shall be liable to all charges.

And be it Enacted, That in every case in which the Bishop shall assign to any Curate a stipend equal to the annual value of the Benefice of which he is licensed to serve, such stipend shall be subject to deduction in respect to all such charges and outgoings as may legally affect the value of such Benefice, and to any loss or diminution which may lessen such value, without the wilful default or neglect of the Spiritual Person holding the Benefice.

76. The Bishop to allow the Rector, &c. to deduct from Curate's Stipend for Repairs to a limited Amount, in certain cases.

And be it Enacted, That in every such case as last aforesaid it shall be lawful for the Bishop, upon the application of the Spiritual Person holding the Benefice, to allow such Spiritual Person to retain in each year so much money, not exceeding in any case One-fourth part of the annual value, as shall have been actually expended during the year in the repair of the Chancel and of the house of residence, and premises and appurtenances thereto belonging, 83 in respect of which such Spiritual Person, or his executors or administrators, would be liable for dilapidations to the successor; and it shall also be lawful for the Bishop in like manner to allow any Spiritual Person holding any Benefice, the annual value whereof shall not exceed One hundred and fifty Pounds, to deduct from the stipend assigned to the Curate in each year so much money as shall have been actually expended in such repairs, above the amount of the surplus remaining of such value after payment of such stipend, provided that the sum so deducted, after laying out such surplus, shall not in any year exceed One-fourth part of such tipend.

77. Curates directed to reside in Parsonage House in case of Non-residence of Incumbents may have certain Portion of Glebe assigned to him by Bishop.

And be it Enacted, That it shall be lawful for the Bishop who shall have granted any license to any Curate to serve in any Benefice the Incumbent whereof is not resident for Four Months in each year, and who shall have required such Curate to reside in the house of residence belonging to the Benefice, to assign to such Curate such house of residence, together with the offices, stables, gardens and appurtenances thereto belonging, or any part or parts thereof, without payment of any rent, and also to assign any portion 84 of glebe land adjacent to the house, and not exceeding Four statute Acres, at such rent as shall be fixed by the Archdeacon of the Archdeaconry, or by the Rural Dean, if any, of the Deanery or District within which the Benefice is situate, and One neighbouring Incumbent, and approvedof by the Bishop, during the time of such Curate's serving the Cure, or during the non-residence of the Incumbent of such Benefice; and it shall be lawful for the Bishop making any such assignment to any Curate to sequester the profits of the Benefice in any case in which possession of the premises so assigned shall not be given up to the Curate, and until such possession shall be given, and to direct the application of the profits arising from such sequestration as is hereinbefore directed in the case of sequestration for non-residence, or to remit the same, or any part thereof, as the Bishop shall in his discretion think fit.

78.
Curates to pay Taxes of Parsonage Houses in certain cases.

And be it Enacted, That in every case where the Bishop shall assign to the Curate licensed to serve in any Benefice a stipend not less than the whole value of the same, and shall, in addition to such stipend, direct that such Curate shall reside in the house of residence 85
belonging to such Benefice, such Curate shall be liable during the time of his serving such Cure to the same taxes and parochial rates and assessments, in respect of such house, premises and appurtenances thereto belonging, as if he had been Incumbent of the Benefice: Provided always, That in every other case in which the Curate shall so reside by direction of the Bishop, it shall be lawful for such Bishop, if he shall think fit, to direct that the Incumbent shall repay to the Curate all such sums as he may have been required to pay and shall have actually paid for any such taxes, parochial rates or assessments as shall become due at any time after the passing of this Act, and the Bishop may, if necessary, enforce payment thereof by monition and sequestration of the profits of such Benefice.

79.
Bishop may direct the Curate to give up Possession of the House.

And be it Enacted, That it shall be lawful for the Bishop, at any time, upon Three Months' notice in writing, to direct any Curate to deliver up the house of residence, and the offices, stables, gardens, 86
and appurtenances thereto belonging, and such portion of the glebe land as shall have been assigned by such Curate, and such Curate shall thereupon peaceably deliver up the possession of the premises pursuant to such notice; and in case any such Curate shall refuse to deliver up such premises, he shall pay to the Spiritual Person holding the Benefice the sum of Forty Shillings for every day of such wrongful possession.

80.
Rector, &c. not to dispossess Curate without Order of the Bishop, &c.

And be Enacted, That it shall not be lawful for the person holding any Benefice, in any case in which the house of residence, with or without the offices, stables, gardens, and appurtenances thereto belonging, as the case may be, shall have been assigned to the Curate, to dispossess such Curate or take possession thereof until the permission of the Bishop shall have been given in writing for that purpose, and Three Months' notice thereof given to the Curate, who shall thereupon quit the same according to such notice; and every 87
Curate who shall reside in the house of residence of any Benefice which

Curate to quit in Six Weeks after Notice from new Incumbent.

which shall become vacant shall quit such house of residence upon having Six Weeks previous notice from the Spiritual Person inducted or licensed to such Benefice; and in case any Curate shall in either of the cases last aforesaid refuse to deliver up such premises, he shall pay to the Spiritual Person holding the Benefice Forty Shillings for every day of such wrongful possession.

81.
Curate not to quit Curacy without Three Months Notice to Incumbent and Bishop, under a Penalty.

And be it Enacted, That no Curate shall quit any Curacy to which he shall be licensed until after Three Months' notice of his intention given to the Incumbent of the Benefice and to the Bishop, unless with the consent of the Bishop, to be signified in writing under his hand, upon pain of paying to the Incumbent a sum not exceeding the amount of his stipend for Six Months, at the discretion of the Bishop, such sum to be specified in writing under the hand of the Bishop, which sum may in such case be retained out of the stipend, if the same or any part thereof shall remain unpaid, or, if the same cannot be retained out of the stipend, may be recovered
88 by the Spiritual Person holding the Benefice by action of debt.

82.
Bishop may license Curates employed without Nomination, revoke any License, and remove the Curate, subject to Appeal to the Archbishop.

And be it Enacted, That it shall be lawful for the Bishop to license any Curate who is or shall be actually employed by the Incumbent of any Benefice within his Diocese, whether resident or non-resident, although no express nomination of such Curate shall have been made to such Bishop by the Incumbent; and that the Bishop shall have power, after having given to the Curate sufficient opportunity of showing reason to the contrary, to revoke, summarily and without further process, any license granted to any Curate, and to remove such Curate for any cause which shall appear to such Bishop to be good and reasonable; subject nevertheless to an appeal against such revocation to the Archbishop of the Province, in like manner and within the same period and subject to the same restriction as before directed with respect to an appeal against the refusal or the revocation of a license for non-residence.

83.
Bishop may appoint Curates to all sequestered Benefices.

And be it Enacted, That in every case in which a Benefice shall be under sequestration, it shall be lawful to the Bishop and he is
89 hereby required to license and appoint a Curate or Curates thereto, and to assign to him or them a stipend or stipends not exceeding, in the case of any One such Curate, the highest rate of stipend allowed by this Act; nor where more than One Curate is appointed, a stipend exceeding One hundred Pounds to more than One such Curate, such stipend or stipends to be paid by the Sequestrator of such Benefice out of the profits thereof: Provided always, That not more than One Curate shall be appointed in any case in which there is not more than One Church and the population does not exceed Two thousand.

84.
Stipend of Curate of sequestered Benefice to be paid by Sequestrator;

And be it Enacted, That upon the avoidance of any Benefice by death, resignation or otherwise, the Sequestrator appointed by the Bishop of the Diocese in which such Benefice is situate shall, out of the profits thereof which shall come to his hands, pay to the Curate or Curates allowed by such Bishop to perform the ecclesiastical duties of such Benefice during the vacancy thereof such stipend or stipends as shall be ordered to be paid to him or them by such Bishop, not exceeding the respective stipends allowed by this Act, and in proportion only to the time of such vacancy. 89*a*

85.
And Deficiency by the succeeding Incumbent.

Provided always, and be it Enacted, That if the profits of such Benefice which shall have come to the hands of such Sequestrator during the vacancy thereof shall not be sufficient to pay such stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such Curate by the succeeding Incumbent of such Benefice out of the profits thereof; and such Bishop is hereby empowered and required, if necessary, to enforce payment by monition and sequestration of the profits of such Benefice.

86.
License to Curates, and Revocations of such Licenses, to be entered in the Registry of the Diocese.

And be it Enacted, That every Bishop who shall grant or revoke any license to any Curate under this Act shall and he is hereby required to cause a copy of such license or revocation to be entered in the Registry of the Diocese; and an alphabetical list of such licenses and revocations shall be made out by the Registrar of each Diocese, and entered in a book, and kept for the inspection of all persons, upon payment of Three Shillings and no more; and a copy of every such license and revocation shall be transmitted by the said Registrar to the Churchwardens or Chapelwardens of the parish, township or place to which the same relates, within One Month after the grant of such license or revocation thereof, to be by them 90
deposited in the parish chest; and every Registrar who shall refuse or neglect or omit to make any such entry, or to transmit any such copy, shall forfeit for every such omission or neglect the sum of Five Pounds: Provided always, That every such Registrar shall for every such copy transmitted to such Churchwardens or Chapelwardens as aforesaid be entitled to demand and receive from the Incumbent of such Benefice a fee of Ten Shillings and no more: Provided also, That in case the Archbishop shall, on appeal to him, annul the revocation of any such license, the Bishop by whom such revocation shall have been made shall, immediately on receiving notice from the Archbishop that he had annulled the same, make such or the like order as is hereinbefore directed to be made on the revocation of a license for non-residence being annulled, and which order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed. 91

87.
Spiritual Persons not to serve more than Two Churches in One Day.

And be it Enacted, That no Spiritual Person shall serve more than Two Churches or Two Chapels, or One Church and One Chapel, in One Day.

88.
Provisions relating to Bishops to apply to Archbishops in their own Dioceses.

And be it Enacted, That all the powers, authorities, provisions, regulations, matters and things in this Act contained in relation to Bishops in their Dioceses shall extend and be construed to extend to the Archbishops in the respective Dioceses of which they are Bishops, and also in their own peculiar jurisdictions, as fully and effectually as if the Archbishops were named with the Bishops in every such case.

89.
Power of Archbishops and Bishops as to Benefices, &c. Exempt or Peculiar, locally situate within their Provinces, and also as to Benefices, &c. situate in more than One Province, or between the Limits of Two.

And be it Enacted, That every Archbishop and Bishop, within the
limits of whose Province or Diocese respectively any Benefice, ex-
empt or peculiar, shall be locally situate, shall have, use and exer-
cise all the powers and authorities necessary for the due execution by
them respectively of the provisions and purposes of this Act, and for
enforcing the same with regard thereto respectively as such Arch-
bishop and Bishop respectively would have used and exercised if the
same were not exempt or peculiar, but were subject in all respects to
the jurisdiction of such Archbishop or Bishop; and where any Bene-
92 fice, exempt or peculiar, shall be locally situate within the limits of
more than One Province or Diocese, or where the same or any of them
shall be locally situate between the limits of the Two Provinces, or
between the limits of any Two or more Dioceses, the Archbishop or
Bishop of the Cathedral Church to whose Province or Diocese the
Parish Church of the same respectively shall be nearest in local situa-
tion shall have, use and exercise all the powers and authorities which
are necessary for the due execution of the provisions of this Act and
enforcing the same with regard thereto respectively as such Arch-
bishop or Bishop could have used if the same were not exempt or
peculiar, but were subject in all respects to the jurisdiction of such
Archbishop or Bishop respectively, and the same for all the purposes of
this Act shall be deemed and taken to be within the limits of the
Province or Diocese of such Archbishop or Bishop; provided that
the Peculiars belonging to any Archbishoprick or Bishoprick,
though locally situate in another Diocese, shall continue subject
to the Archbishop or Bishop to whom they belong, as well for
93 the purposes of this Act as for all other purposes of ecclesiastical
jurisdiction.

Peculiars shall be subject to the Archbishop or Bishop to whom they belong.

90.
In every case in which Jurisdiction is given to Bishop, &c. all concurrent Jurisdiction to cease.

And be it Enacted, That in every case in which jurisdiction is given to the Bishop of the Diocese or to any Archbishop under the provisions of this Act, and for the purposes thereof, and the enforcing the due execution of the provisions thereof, all other and concurrent jurisdiction in respect thereof shall wholly cease, and no other jurisdiction in relation to the provisions of this Act shall be used, exercised or enforced, save and except such jurisdiction of the Bishop and Archbishop under this Act; any thing in any Act or Acts of Parliament, or law or laws, or usage or custom to the contrary notwithstanding.

91.
Sequestrations under this Act to have Priority.

And be it Enacted, That every sequestration issued under the provisions of this Act, or of the hereinbefore recited Act of the seventeenth year of the reign of King George the Third, shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly signed and docketed before the passing of this 94
Act.

92.
Appellant to give Security for Costs.

AND for discouraging frivolous Appeals, BE it Enacted, That in all cases where any Appeal shall, under the provisions of this Act, be made to any Archbishop against any Act done or refused to be done, or any determination made, by any Bishop, or proceeding shall be had thereon until the Appellant shall have given security, in such form and to such amount as the Archbishop shall direct, for payment to the Bishop of such costs as shall be awarded by the Archbishop, if he shall decide against the Appellant; and the Archbishop, when he shall decide the merits of the Appeal against the Appellant, shall by writing also award whether any and what amount of costs shall be paid by the Appellant to the Bishop Respondent, and such Bishop shall be entitled to recover the amount so awarded by action of 95
debt.

93.
Regulations respecting Monitions and Sequestrations.

And be it Enacted, That in all cases in which proceedings under this Act are directed to be by monition and sequestration, such monition shall issue under the hand and seal of the Bishop, and shall be served personally upon the Spiritual Person therein named, by showing the same to him under seal, and leaving with him a true copy thereof; or in case such Spiritual Person cannot be found, such monition shall be served by leaving a true copy thereof at his usual or last known place of residence, and by affixing another copy thereof upon the church door of the parish in which such place of residence shall be situate, and also by leaving another copy of such monition with the officiating Minister or one of the Churchwardens of the said parish, and also by affixing a copy of such monition on the church door of the parish in which the Benefice of such Spiritual Person shall be situate; and such monition shall, immediately after the service thereof, be returned into the Consistorial Court of such Bishop, and be there filed, together with an affidavit of the time and manner in which such monition shall have been served;

and thereupon it shall be competent to the party monished to show
96 cause, by affidavit or otherwise, as the case may require, why a sequestration should not issue according to the tenor of such monition; and if such Spiritual Person shall not, within the time assigned by such monition, show sufficient cause to the contrary, such sequestration shall issue under the seal of the Consistorial Court of such Bishop, and shall be served and returned into the registry of such Court in like manner as is hereinbefore directed with respect to monitions issued under the provisions of this Act.

94. Sequestration not to issue after Monition until Service of Order to reside.

Provided always, and be it Enacted, That in any case of non-residence in which a monition shall have been served upon any Spiritual Person under the provisions of this Act, requiring such Spiritual Person to reside on his Benefice, no sequestration shall issue until an order requiring such Spiritual Person to proceed and reside upon such Benefice within Thirty Days, as hereinbefore enacted, shall have been served upon him in the same manner as is hereinbefore directed as to the service of monition.

95. Recovery of Penalties against Spiritual Persons.

And be it Enacted, That all penalties and forfeitures which shall be incurred under this Act by any Spiritual Person holding a Benefice shall and may be sued for and recovered in the Court of the Bishop of the Diocese in which such Benefice is situate, and by
97 some person duly authorized for that purpose by such Bishop by writing under his hand and seal, and in no other Court, and by or at the instance of no other person whatever; and that the payment of every such penalty or forfeiture, together with the reasonable expense incurred in recovering the same, shall and may be enforced by monition and sequestration; and that it shall and may be lawful for such Bishop, by any order made for that purpose in writing under his hand, and to be filed in the registry of the Diocese, to direct that every such penalty or forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the augmentation or improvement of such Benefice or of the house of residence thereof, or of any of the buildings or appurtenances thereof.

96. Recovery of Fees, &c.

And be it Enacted, That all fees, charges, costs, and expenses, incurred or directed to be paid by any Spiritual Person holding any Benefice under the provisions of this Act, which shall remain unpaid for the period of Twenty-one Days after demand thereof in writing delivered to or left at the usual or last place of abode of such Spiri-
98 tual Person, may be recovered by monition and sequestration: Provided always, That it shall be lawful for the person or persons of whom any such fees, costs, charges, and expenses shall be so demanded to apply to the Bishop of the Diocese to order the taxation

thereof, and such Bishop shall thereupon order some proper person to tax and settle the same; and the certificate of allowance by the person so to be appointed of such fees, costs, charges, and expenses so to be taxed, shall be final.

97.
Recovery of Penalties against lay or unbeneficed Persons.

And be it Enacted, That all penalties and forfeitures under this Act incurred by persons not Spiritual, or by Spiritual Persons not holding Benefices, shall be sued for and recovered by any person who will sue for the same by action of debt in any of His Majesty's Courts of Record at *Westminster*.

98.
Penalties not recoverable for more than One year.

And be it Enacted, That no penalty shall be recovered against any Spiritual Person, under the provisions of this Act, other or further than those which such Spiritual Person may have incurred during the year ending on the Thirty-first day of December, immediately preceding the commencement of such proceeding.

99.
Commencement and Conclusion of the Year.

And be it Enacted, That for all the purposes of this Act, except as herein otherwise provided, the year shall be deemed to commence on the First Day of January, and be reckoned therefrom to the Thirty-first Day of December, both inclusive.

100.
Calendar Months to be taken for the Purposes of this Act.

And be it Enacted, That for all the purposes of this Act the 99
Months therein named shall be taken to be Calendar Months, except in any case in which any Month or Months are to be made up of different periods less than a Month, and in every such case Thirty Days shall be deemed a Month.

101.
Certified Copy of Entry to be Evidence of License.

And be it Enacted, That in every case where by the Provisions of this Act any License is required to be entered by the Registrar of the Diocese, a copy of every such entry, certified by the Registrar, shall be admissible as evidence in all Courts and Places whatever.

102.
Affidavits how to be made.

And be it Enacted, That where any Oath or Affidavit is by this Act required to be made, or authority is hereby given to any Bishop or other person to require any facts to be verified by Oath or Affidavit, such Oath or Affidavit shall and may be made either before some Ecclesiastical Judge or his Surrogate, or before a Justice of the Peace, or before a Master or Master Extraordinary in Chancery.

103.
Coustruction of Terms "Dignity" and "Office."

And be it Enacted, That in all cases where the terms "Dignity" and "Office" are used in this Act, they shall be construed to extend to and comprehend under one or the other of the said terms (unless it shall otherwise appear from the context) every Deanery, Archdeaconry, Prebend, Canonry, Office of Minor Canon, Priest

Vicar, or Vicar Choral, having any Prebend or endowment
belonging thereto, every Precentorship, Treasurership, Sub-Deanery,
Chancellorship of the Church, and other Dignity and Office in any
100 Cathedral or Collegiate Church, and every Mastership, Wardenship,
and Fellowship in any Collegiate Church; and that in all
cases where the term "Benefice" is used in this Act the said term
shall be understood and taken to mean Benefice with Cure of Souls,
and no other (unless it shall otherwise appear from the context),
and therein to comprehend all Parishes, Perpetual Curacies, Donatives,
endowed Chapels, Parochial Chapelries, and Chapelries or
Districts having Churches or Chapels with Districts belonging or
reputed to belong thereto.

Definition of the Term "Benefice."

104. Manner in which Consent of Patron shall be testified, where Patronage of Benefice is in the Crown.

And be it further Enacted, That in any case in which the consent of the patron of any Benefice shall be required to the exercise
of any power given by this Act, and the patronage of such Benefice
shall be in the Crown, the consent of the Crown to the exercise of
such power shall be testified in the manner hereinafter mentioned;
(that is to say,) if such Benefice shall be above the yearly value of
Twenty Pounds in the King's Books, the instrument by which the
101 power shall be exercised shall be executed by the Lord High Treasurer
or First Lord Commissioner of the Treasury for the time
being; and if such Benefice shall not exceed the yearly value of
Twenty Pounds in the King's Books, such instrument shall be executed
by the Lord High Chancellor, Lord Keeper or Lords Commissioners
of the Great Seal for the time being; and if such
Benefice shall be within the patronage of the Crown in right of the
Duchy of *Lancaster*, such instrument shall be executed by the
Chancellor of the said Duchy for the time being; and the execution
of such instrument by such person or persons shall be deemed and
taken, for the purposes of this Act, to be an execution by the Patron
of the Benefice.

105. Where Patron is an incapacitated Person.

And be it further Enacted, That in any case where the consent of
the Patron of any Benefice shall be required to the exercise of any
power given by this Act, and the Patron of such Benefice shall be
a minor, idiot, lunatic, or feme covert, it shall be lawful for the
guardian or guardians, committee or committees, or husband of
102 such Patron (but, in case of a feme covert, with her consent in
writing,) to execute the instrument by which such power shall be
exercised, in testimony of the consent of such Patron; and such
execution shall, for the purposes of this Act, be deemed and taken
to be an execution by the Patron of the Benefice.

106. Where Patronage is Part of the Possession of the Duchy of Cornwall.

And be it further Enacted, That in any case in which the consent of the Patron of any Benefice shall be required to the exercise
of

of any power given by this Act, and the advowson and right of patronage of such Benefice shall be part of the possessions of the Duchy of *Cornwall*, the consent of the Patron of such Benefice to the exercise of such power shall be testified in the manner hereinafter mentioned; (that is to say) the instrument by which the power shall be exercised shall be executed by the Duke of *Cornwall* for the time being, if of full age; but if such Benefice shall be within the Patronage of the Crown, in right of the Duchy of *Cornwall*, such instrument shall be executed by the same person or persons who is or are by this Act authorized to testify the consent of the Crown to the exercise of any power given by this Act in respect of any Benefice in the patronage of the Crown; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of this Act, to be an execution by the Patron of the Benefice. 103

107.
Value how to be computed.

And be it Enacted, That the annual value of all Benefices shall, for all the purposes of this Act, be the net annual value, estimated according to the Returns made to His Majesty's Commissioners appointed to inquire, amongst other things, respecting the Revenues belonging to all Ecclesiastical Benefices in *England* and *Wales*, and the Report made by the said Commissioners bearing date the sixteenth day of June in the year One thousand eight hundred and Thirty-five, until other Returns shall be made to Commissioners appointed by His Majesty in that behalf, and after such other Returns shall be made, and printed by His Majesty's Printer, then according to the latest Returns so to be made and printed: Provided always, That where no such Return shall have been made of the value of any Benefice, it shall be lawful for the Court before whom any suit shall be depending for the recovery of any penalty or forfeiture under this Act, and for any Bishop acting under the provisions of this Act, to proceed upon such information as such Court or Bishop may be able to procure touching the value of such Benefice.

108.
Distance how to be computed.

And be it Enacted, That the distance between any two Benefices for the purposes of this Act shall be computed from the Church of the one to the Church of the other by the nearest road or footpath, 104 or by an accustomed ferry; and if on one of the said Benefices there be two or more Churches, then the distance shall be computed from or to the nearest of such Churches, as the case may be; or if on one of such Benefices there be no Church, then in such manner as shall be directed by the Bishop of the Diocese in which the Benefice proposed to be taken and held by any Spiritual Person in addition to one already held by him shall be locally situate.

109.
Population how to be computed.

And be it Enacted, That whenever the Population of any place shall be required by this Act to be ascertained, the same shall be taken from the latest Returns of Population made under any Act of Parliament for that purpose, at the time when the question shall arise, if such Returns shall apply to the place respecting which the question shall be, but if such place shall only form part of a parish or district named in such Returns, then such Returns shall be taken to represent truly the population of the parish or district named therein, and from them the population of the place required shall be computed, according to the best evidence of which the subject shall be capable.

110. Act not to affect Powers of Bishops;

And be it Enacted, That nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights, or jurisdiction already vested in or belonging to any Archbishop or Bishop under or by virtue of any statute, canon, usage, or otherwise howsoever.

111. And not to extend to Ireland.

And be it further Enacted, That no provision in this Act contained shall extend or be construed to extend to that part of the United Kingdom called *Ireland*.

Benefices Plurality.

A

BILL,

INTITULED,

AN ACT to abridge and regulate the holding of Benefices in Plurality; and to amend the Laws relating to the Residence of the Clergy, and to the Appointment and Payment of Stipendiary Curates, in *England*.

Ordered, by The House of Commons, *to be Printed,*
18 *May* 1836.

275.

BENEFICES PLURALITY & CLERGY RESIDENCE, &c. BILL.

AMENDMENTS

TO BE PROPOSED BY MR. HUTT

IN COMMITTEE.

That Clauses II. III. IV. and V. be omitted, and the following Five Clauses inserted:—

I. And be it Enacted, That from and after the passing of this Act no Spiritual Person holding any Preferment (Dignity, Office or Benefice), shall hold therewith any other Preferment, excepting only as hereinafter is enacted: Provided that nothing herein contained shall be construed to prevent any Archdeacon from holding with his Archdeaconry one Prebend or Canonry in the Cathedral Church of the Diocese, of which his Archdeaconry forms a part, or from holding one Benefice situate within such Diocese, together with such Archdeaconry and Prebend or Canonry.

II. And be it Enacted, That any Spiritual Person may hold One Dignity or office, together with One Benefice situate within the same Diocese, provided the value of the smaller of such Preferments shall not exceed One hundred and fifty Pounds, or if the separate value of each shall exceed the sum of One hundred and fifty Pounds, that then the joint value of the two shall not exceed One thousand Pounds, excepting the holder thereof undertake and be obliged to pay over the sums exceeding the said amount of One thousand Pounds to the Governors of Queen ANNE's Bounty.

III. And be it Enacted, That any Spiritual Person not having any dignity or office may hold together Two Benefices, being contiguous, or so situated that the distance between their several Churches is not more than Three Miles, provided the value of the poorest of such Benefices shall not exceed One hundred and fifty Pounds, and that the population of the most valuable shall not amount to Five hundred souls; and that with the especial approbation of the Bishop of the Diocese, such Spiritual Person may hold Three Benefices so situated, provided their joint value shall be under Five hundred Pounds, and their united population not exceed One thousand five hundred souls.

IV. And be it Enacted, That any such Spiritual Person may hold together Two Benefices situate within the distance of Ten statute Miles, provided that the separate yearly value of neither of such Benefices shall amount to Five hundred Pounds, and that their joint value shall not exceed Six hundred Pounds, or their united population exceed Four thousand souls.

V. And be it Enacted, That in case it shall appear expedient to the Bishop of any Diocese, or to the Bishops of any Two Dioceses, as the case may be, in which any Two Benefices within the distance of Twenty Miles from each other shall be situate, though the separate value of either or of each of such Benefices shall exceed Five hundred Pounds, and their joint value shall exceed Six hundred Pounds, that on account of the small value and large population, or large value and small population of either of them, such small population being within Five hundred souls or of other peculiar circumstances, the said Two Benefices should be held together, the said Bishop or Bishops shall, upon application made to him or them for that purpose, state the grounds of his or their opinion in writing, to the Archbishop of the Province, who shall thereupon inquire into the description as well as amount of the population, the necessary expenditure as well as receipts, and the physical as well as mental qualifications of the applicant for the duties to be performed; and if he shall judge it for the interests of religion that such Two Preferments be held together, subject to such conditions and restrictions with respect to residence, curate's stipend, and otherwise as he shall specify, it shall be lawful, upon his recommendation, for His Majesty in Council to grant permission accordingly; and the publication thereof in the *London* Gazette shall be a complete authority in law to such Spiritual Person having first obtained the consent of the Patron or Patrons, to hold together such Two Benefices; provided, that he shall in nowise receive to his own use more than the net sum of Eight hundred Pounds, and shall collect and pay over the surplus value of such Two Benefices to the Governors of Queen ANNE's Bounty, to be by them applied to the augmentation of Benefices with cure of souls under the value of Two hundred Pounds, preference being given to patronage and then to diocese.

In Clause X. Omit all the words before "shall," line 13, and insert "And be it Enacted, That whenever it shall come to the knowledge of the Bishop of any Diocese, or the Bishops of any Two Dioceses, that the aggregate popalation of Two or more Benefices in his or their Dioceses, being contiguous to each other, does not exceed Two thousand souls, and that the aggregate value is under Five hundred Pounds, such Bishop or Bishops, if they deem it necessary for the decent maintenance of an Incumbent, and not prejudicial to the interests of religion, that such

Benefices be united into one, shall represent the case to His Majesty's Commissioners, &c., who, if, upon inquiry into the circumstances, they shall be satisfied of the expediency of such union." Omit, also, the five last lines of the Clause.

XII. XIII. XIV. XV. To make these Provisions applicable to the division of all over-populous or too extensive parishes.

XVIII. XIX. Lines 3, insert after words " Lectureship," in both Clauses " yielding him an income of Five hundred Pounds."

XXI. At the end of this Clause, to omit " the sum of Five Pounds," and insert " a sum equal to Two per centum on amount of Benefice or Curacy."

XXV. After the word " Benefice," line 38, to insert " on which he shall have actually resided Six Months ;" and line 40, to omit " such period of," and insert " Three Months of such absence."

XXX. Line 22, before " incapacity of mind " to insert absolute ;" and before " illness " " temporary and dangerous."

XXXI. To omit this Clause, as creating an unlimited and irresponsible power ; or to insert, after " Provided always," " That such License, and the cause of granting the same, be inserted in the *London* Gazette."

XXXIX. Between " countersigned " and " by " to insert " so far as their respective knowledge extends, by the Churchwardens of the parish ; " and at the end, to omit " the sum of Ten Pounds," and insert " a sum amounting to Four Pounds per centum on the value of his Preferment ; and if he shall wittingly make any false return as to the length of time during which he shall have resided upon or been absent from his Preferment or Preferments, or as to the annual value thereof, such Spiritual Person shall be liable to forfeit as a penalty a sum of money equal in amount to Five times the value of such Preferment or Preferments during the time for which he shall have been unlawfully absent beyond the time stated in such Return, or to Five times the sum by which he shall have returned the said Preferment or Preferments under the actual value thereof ; and such penalties shall and may be recovered, with full costs of suit, by any Person who shall sue for the same in one of His Majesty's Courts of Record at *Westminster*, within the year next following that in which they shall have been incurred ; and it shall be lawful for the Bishop to whom such Returns shall be made, and he is hereby required, in all cases in which it shall either appear by such Returns, or be proved to his satisfaction, that any Spiritual Person holding any Preferment in his Diocese has not kept sufficient legal residence or has made any false Returns, to levy and enforce the penalties in such case by this Act annexed."

XL. Line 5,

XL. Line 5, to leave out all the words after " holding the same," and insert " and of the period in the preceding year during which they shall have respectively resided on their several Preferments, and whether any or what part of the time or times during which they may have been absent has been authorized by any and what lawful cause of exemption, and the name or names of any Curate or Curates employed by any such Spiritual Person during his absence, the amount of salary paid to such Curate or Curates, and the place or places of his or their residence; and specifying also the gross annual value of such Preferment or Preferments during the preceding year, including all Easter offerings, surplus as well as surplice fees, pew-rents, and other emoluments or advantages whatsoever, over and above the house or houses of residence thereon respectively, and all gardens, orchards, buildings and appurtenances to such house or houses belonging, and necessarily occupied therewith; and in every such Return it shall be lawful for the Bishop to state any special crcumstances by way of explanation with respect to the value of any such Preferment or Preferments, or any absence therefrom not allowed by this Act."

XLI. Line 7, to omit the words between " Bishop " and " to issue " line 9; and line 39, between " fit " and " in " to insert " and also to direct the application of any penalties which shall have been levied by him during the preceding year."

LX. Lines 1 and 2, to omit the words between " whenever " and " the;" and line 8, to insert, " provided that no Spiritual Person shall be required to pay such Curate whose net Income does not amount to Five hundred Pounds, exclusive of the sum to be so paid."

LXIV. Line 4, instead of " One hundred and fifty Pounds " to insert " Two hundred Pounds;" line 9, to omit the words between " thereof " and " Provided " line 11.

LXXXIX. After " Bishop" to omit the five last lines.

XCV. Line 3, between " Benefice " and " shall " to insert " excepting only penalties for false Returns."

CIII. After the word " Enacted," line 1, to insert, " That in all cases where the term 'Preferment' shall be used in this Act, it shall be construed to extend to and comprehend the terms 'Dignity' and 'Office,' as well as the term 'Benefice.'"

CVII. To omit the words between " Thirty-five," line 8, and " it," line 13; and to insert " or according to the last Returns so made, or according to the average amount for the Three preceding years as rturned by the Spiritual Person respectively holding such Preferments, and shall be the net annual income or produce thereof, deducting all taxes, rates, tenths, dues and other permanent charges and payments, and also the stipend assigned to the Curate or Curates whom the Archbishop or Bishop may license and require to be kept where the Incumbent cannot be resident, but not deducting or allowing for stipends to Assistant Curates, Preachers or Readers where the Incumbent is or should be resident, or for such taxes or rates in respect to the Parsonage or other house of residence upon such Benefices or upon the Glebe as are usually paid by the Tenants or Occupiers: Provided always, That."

BENEFICES PLURALITY AND CLERGY RESIDENCE, &c. BILL.

AMENDMENTS

TO BE PROPOSED BY MR HUTT

IN COMMITTEE.

July 1836.

0.116.

14 *June* 1836—6 Will. IV.

A

BILL

For the Regulation of Benefit Building Societies.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

1. Societies may be established for the purchase or erection of Dwelling Houses.

WHEREAS certain Societies, commonly called Building Societies, have been established in different parts of the Kingdom, principally amongst the industrious classes, for the purpose of raising, by small periodical subscriptions, a Fund to assist the members thereof in obtaining a small Freehold or Leasehold Property; and it is expedient to afford encouragement and protection to such Societies, and the property obtained therewith; **BE it therefore Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for any number of persons in Great Britain and Ireland to form themselves into and establish Societies, for the purpose of raising, by the monthly or other subscriptions of the several members of such Societies, Shares not exceeding the value of *One hundred and fifty* Pounds for each Share, such subscriptions not to exceed in the whole *Twenty* Shillings per month for each Share, a Stock or Fund for the purpose of enabling each member thereof to receive out of the Funds of such Society the amount or value of his or her Share or Shares therein, to erect or purchase one or more Dwelling House or Dwelling Houses, or other Real or Leasehold Estate, to be secured by way of mortgage to such Society, until the amount or value of his or her Shares shall have been fully repaid to such Society, with the interest thereon, and all fines or other payments incurred in respect thereof, and to and for the several members of each Society from time to time to assemble together and to make, ordain and constitute such proper and wholesome Rules and Regulations for the government and guidance of the same as to the major part of the members of such Society so assembled together shall seem meet, so as such Rules shall not be repugnant to the express provisions of this Act, and to the general laws of the Realm; and to impose and inflict such reasonable fines, penalties and forfeitures upon the several members of any such Society who shall offend against any such Rules as the members may think fit to be respectively paid to such uses, for the benefit of such Society, as such Society by such Rules shall direct; and also from time to time to alter and amend such Rules as occasion shall require, or annul or repeal the same, and to make new Rules in lieu thereof, under such restrictions as are in this Act contained: Provided, That no member shall receive or be entitled to receive from the funds of such Society any interest or dividend upon any Shares in such Society until the amount or value of each Share shall have been realized.

2.
Bonus, &c. not to be usurious.

And be it Enacted, That it shall and may be lawful to and for any such Society to have and receive from any member or members thereof any sum or sums of money, by way of bonus, on any Share or Shares for the privilege of receiving the same prior to the same being realized, and also any interest for the Share or Shares so received, or any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament relating to usury.

3.
Rules may be made to provide Forms of Conveyance, &c.

And be it further Enacted, That it shall and may be lawful to and for any such Society, in and by the Rules thereof, to describe the form or forms of conveyance, mortgage, transfer, agreement, bond or other instrument which may be necessary for carrying the purposes of the said Society into execution; and which shall be specified and set forth in a Schedule to be annexed to the Rules of such Society, and duly certified and deposited as hereinafter provided.

4.
Provisions of Friendly Society Acts of 10 Geo. 4. c. 56. and 4 & 5 Will. 4. c. 40. extended to this Act.

And be it further Enacted, That all the provisions of a certain Act made and passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws relating to Friendly Societies," and also the provisions of a certain other Act made and passed in the fourth and fifth years of the reign of his present Majesty King William the Fourth, intituled, "An Act to amend an Act of the tenth year of his late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies," so far as the same, or any part thereof, may be applicable to the purpose of any Benefit Building Society, and to the framing, certifying, enrolling and altering the Rules thereof, shall extend and apply to such Benefit Building Society, and the Rules thereof, in such and the same manner as if the provisions of the said Acts had been herein expressly re-enacted.

5. Receipt endorsed on Mortgage to be sufficient discharge without Reconveyance.

And be it further Enacted, That it shall be lawful for the Trustees named in any mortgage made on behalf of such Societies, or the survivor or survivors of them, or for the Trustees for the time being, to endorse upon any mortgage or further charge given by any member of such Society to the Trustees thereof for monies advanced by such Society to any member thereof, a receipt for all monies intended to be secured by such mortgage or further charge, which shall be sufficient to vacate the same, and vest the estate of and in the property comprised in such security, in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the Trustees of any such Society to give any re-conveyance of the property so mortgaged, which receipt shall be specified in a Schedule to be annexed to the Rules of such Society, duly certified and deposited as aforesaid.

6. Not to authorize investment of Funds in Savings Bank.

Provided always, and be it further Enacted, That nothing herein contained shall authorize any Benefit Building Society to invest its funds, or any part thereof, in any Savings Bank, or with the Commissioners for the Reduction of the National Debt.

7. Benefit of Act to extend to all Societies established prior to June 1836.

And be it further Enacted, That all Building Societies established prior to the *First* day of *June One thousand eight hundred and Thirty-six*, shall be entitled to the protection and benefits of this Act, on their present Rules being duly certified and deposited as directed by the said recited Acts; and no such Society shall be entitled to the benefits of this Act until their Rules shall have been so certified and deposited, and that no such Society shall be required to alter in any manner the Rules under which they are now respectively governed.

8. Exemption from Stamp Duties.

And be it further Enacted, That no Rules of any such Society, or any copy thereof, nor any transfer of any Share or Shares in any such Society, shall be subject or liable to or charged with any Stamp Duty or Duties whatsoever.

9. Public Act.

And be it further Enacted, That this Act shall be deemed a Public Act, and shall extend to Great Britain, Ireland and Berwick-upon-Tweed, and be judicially taken notice of as such, by all Judges, Justices and other persons whatsoever, without the same being specially shown or pleaded.

Benefit Building Societies.

A

B I L L

For the Regulation of Benefit Building Societies.

(*Prepared and brought in by*
Mr. Poulett Thomson and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1836.

331.

20 *June* 1836.—6 Will. IV.

A

B I L L

For declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra protest for honour, or to the Referees or Referee in case of need, Bills of Exchange which had been dishonoured.

Preamble.

WHEREAS Bills of Exchange are occasionally accepted supra protest for honour, or have a reference thereon in case of need:

And whereas doubts have arisen when Bills have been protested, for want of payment, as to the day on which it is requisite that they should be presented for payment to the Acceptors or Acceptor for honour, or to the Referees or Referee, and it is expedient that such doubts should be removed;

1. Bills of Exchange need not be presented to Acceptors till the day following the day on which they become due.

Be it therefore Declared and Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall not be necessary to present such Bills of Exchange to such Acceptors or Acceptor for honour, or to such Referees or Referee, until the day following the day on which such Bills of Exchange shall become due; and that if the place of address on such Bill of Exchange of such Acceptors or Acceptor for honour, or of such Referees or Referee, shall be in any City, Town or Place other than in the City, Town or Place where such Bill shall be therein made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such Acceptors or Acceptor for honour, or Referees or Referee, until the day following the day on which such Bill of Exchange shall become due.

2. If the following day be a Sunday, &c. then on the day following such Sunday, &c.

And be it further Enacted and Declared, That if the day following the day on which such Bill of Exchange shall become due shall happen to be a Sunday, Good Friday or Christmas Day, or a day appointed by His Majesty's Proclamation for Solemn Fast or of Thanksgiving, then it shall not be necessary that such Bill of Exchange shall be presented for payment, or be forwarded for such presentment for payment, to such Acceptors or Acceptor for honour, or Referees or Referee, until the day following such Sunday, Good Friday, Christmas Day, or Solemn Fast or Day of Thanksgiving.

Bills of Exchange.

A

BILL

For declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra protest for honour, or to the Referees or Referee in case of need, Bills of Exchange which had been dishonoured.

(Prepared and brought in by Mr. Robarts, Mr. Grote and Mr. John Abel Smith.)

Ordered, by The House of Commons, *to be Printed,*
20 June 1836.

349.

17 *February* 1836.—6 WILL. IV.

A

BILL

For Registering Births, Deaths and Marriages in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it is expedient to provide the means for a complete Register of the Births, Deaths and Marriages of His Majesty's Subjects in England:

And whereas an Act passed in the fifty-second year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages and Burials in England," and also an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for amending the Laws respecting the Solemnization of Marriages in England," are insufficient for the purpose aforesaid:

1\.
So much of 52 Geo. 3. c. 146, and 4 Geo. 4. c. 76, as relates to Registration of Marriages, Repealed.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT after the *Thirty-first* day of *December* in this year so much of the said Acts as relates to the Registration of Marriages shall be Repealed.

2\.
General Registry Office to be provided in London or Westminster.

And be it Enacted, That it shall be lawful for His Majesty to provide a proper Office in London or Westminster, to be called "The General Register Office," for keeping a Register of all Births, Deaths and Marriages of His Majesty's Subjects in England.

3\.
Poor Law Commissioners to have the care of the Register.

And be it Enacted, That the keeping of the said Register, and the control of the Officers, Clerks and Servants employed about the same, shall be given to the Poor Law Commissioners for England and Wales for the time being, and as often as there shall be no such Commissioners, shall be given to the Registrar General hereinafter mentioned, under the direction of one of His Majesty's Principal Secretaries of State.

4.
Registrar General, Inspectors, and Clerks, appointed with Salaries.

And be it Enacted, That it shall be lawful for His Majesty to appoint for the said Office a Registrar General of Births, Deaths and Marriages; and the Poor Law Commissioners, or, as often as there shall be no such Commissioners, the Registrar General, shall appoint a sufficient number of Clerks, Officers and Servants for the said Register Office, at such yearly Salaries as to the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury from time to time shall seem fit; and the Registrar General shall hold his Office during the pleasure of His Majesty, and the Clerks, Officers and Servants of the said Register Office shall hold their Offices during the pleasure of the Poor Law Commissioners, or of the Registrar General, as often as there are no such Commissioners.

5.
Regulations for conduct of Officers, to be framed under direction of Secretary of State.

And be it Enacted, That any one of His Majesty's Principal Secretaries of State, or the Poor Law Commissioners, with the approbation of such Principal Secretary, from time to time may make regulations for the management of the said Register Office, and the duties of the Registrar General, Clerks, Officers and Servants of the said Office, and of the Registrars, Deputy Registrars and Superintendent Registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made shall be binding on the said Registrar General, Clerks, Officers and Servants, and on the Registrars, Deputy Registrars and Superintendent Registrars.

6.
Registrar to report to Secretary of State; annual Abstract to be laid before Parliament.

And be it Enacted, That the Registrar shall from time to time give to any one of His Majesty's Principal Secretaries of State such information respecting the said Register as the said Principal Secretary shall require, and once in every year shall send to one of the Principal Secretaries of State a General Abstract of the numbers of Births, Deaths and Marriages registered during the foregoing year, in such form as the said Secretary from time to time shall require; and every such annual General Abstract shall be laid before Parliament within *One* Month after receipt thereof, or after the meeting of Parliament.

7.
Guardians of Unions to appoint Registrars and Superintendent Registrars.

And be it Enacted, That the Guardians of every Union, declared under the provisions of an Act passed in the fifth and sixth year of His present Majesty, intituled, "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and also of every Parish or Place in which a Board of Guardians shall have been established under the provisions of the last-named Act, at their first meeting after the said *Thirty-first* day of *December*, shall appoint such and so many of the Relieving Officers, or other Persons properly qualified in the judgment of the Commissioners, or Registrar General, if there are no Commissioners, as to the Guardians shall seem fit, to be Registrars of that District, and, subject to the approval of the Commissioners, shall determine the district for which each Registrar shall act, and shall appoint the Clerk or Auditor of the Board of Guardians or other Person properly qualified in the judgment of the Commissioners or Registrar General as aforesaid, to be a Superintendent Registrar; and in every case of vacancy of either Office shall forthwith fill up the vacancy in manner aforesaid.

8.
District Register Offices to be provided.

And be it Enacted, That the Guardians shall provide and uphold, out of the monies coming to their hands as such Guardians, a District Register Office, according to a plan to be approved by the Poor Law Commissioners, for preserving the Registers to be deposited therein, as hereinafter mentioned; and the care of the said District Office, and the custody of the Registers deposited therein, shall be given to the Superintendent Registrar of the District.

9.
Rate-payers of Parishes not united under the Poor Law Act to appoint Registrars for the Parish.

And be it Enacted, That the Rate-payers, in vestry assembled, of every parish, township or place separately maintaining its own poor, in which no Board of Guardians shall have been established under the said Act for the Amendment of the Laws relating to the Poor, shall appoint, as soon as conveniently may be, after the said *Thirty-first* day of *December*, *One* or more fit Persons to be the Registrar or Registrars of such parish, township or place, or of such part thereof as the Vestry, subject to the approval of the Commissioners, shall direct: Provided always, That for the purposes of this Act every parish, township or place separately maintaining its own Poor, the population of which, according to the last Census, did not then exceed *Three hundred* Persons, and every extra-parochial place, shall be taken to be part of the adjoining parish, township or place separately maintaining its own poor, with which it has the longest common boundary: Provided also, That the Rate-payers of any *Two* or more such parishes, townships or places may, if they think fit, appoint the same Registrar or Registrars.

Parishes of 300 Persons, and Extra-parochial Places, to be deemed part of next Parish.

Parishes may be united for the purposes of this Act.

10.
Court of Quarter Sessions to appoint Superintendent Registrars for Parishes not united.

And be it Enacted, That the Commissioners shall send immediately after the said *Thirty-first* day of *December*, to every Clerk of the Peace in England, a List of all the Parishes, Townships, and Places, in the County or other District for which he is Clerk of the Peace, not united or in which a Board of Guardians shall not be then established under the provisions of the said Act for the Amendment of the Laws relating to the Poor; and the Court of Quarter Sessions of the County or other district shall appoint a sufficient number of fit Persons to be Superintendent Registrars for such parishes, townships and places, and shall appoint the District which each shall superintend, and shall provide and appoint a fit and secure place for the custody of the

Registers while in the keeping of such Superintendent Registrars, as hereinafter provided; and the Clerk of the Peace, by order of the Court, shall notify to the Commissioners every such appointment, and the District for which each Superintendent is appointed.

11.
Deputy Registrars to be appointed.

And be it Enacted, That for every district for which a Registrar shall be appointed, the Registrar shall have power, subject to the approval of the Commissioners or Registrar General, to appoint a fit Person to act as his Deputy, in case of the illness or unavoidable absence of such Registrar; and every such Deputy Registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning Registrars.

12.
Registrars and Superintendent Registrars to hold their office until removed by the Commissioners.

And be it Enacted, That every Registrar, Deputy Registrar and Superintendent Registrar shall hold his office until he shall be removed by the Commissioners, or by the Registrar General, if there shall be no such Commissioners, or until he shall cease to hold his office under the provisions hereinafter contained; and no person removed from the office of Registrar, Deputy Registrar or Superintendent Registrar by the said Commissioners, or Registrar General, shall be thenceforward eligible to any such office without the approval of the said Commissioners or Registrar General respectively.

13.
In case of subsequent Unions, previous Appointments to be vacated.

Provided always, and be it Enacted, That as soon as a Board of Guardians shall have been established in any such parish, township or place under the provisions of the said Act for the amendment of the Laws relating to the Poor, the Guardians shall forthwith proceed to appoint Registrars, Deputy Registrars and Superintendent Registrars, in like manner as in the Unions formed before the *passing of this Act*; and thereupon the Registrars, Deputy Registrars and Superintendent Registrars appointed before the election of such Board of Guardians as aforesaid, in or for such parish, township or place, shall cease to hold their respective offices unless reappointed by the Guardians.

14.
Appointments to be exempt from Stamp Duties.

And be it Enacted, That the Appointments of Registrars, Deputy Registrars and Superintendent Registrars, and the duplicates and certified copies of Registers hereinafter mentioned, shall be exempt from all Stamp Duties.

15.
All Books, &c. to be transferred on removal of Registrar.

And be it Enacted, That in every case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said office, all Register Books and Papers in his possession as such Registrar or Superintendent shall be given as soon as conveniently may be to his successor in office; and if any Person shall refuse to give up the said Books and Papers in such case as aforesaid, it shall be lawful for any of His Majesty's Superior Courts at Westminster, or any Judge of the said Courts, upon summary application made for that purpose, to grant a Rule upon the Party to show cause why the said Books should not be forthwith delivered up, and to make an absolute Rule for delivering up the same, and to proceed by attachment in the usual way, in case such last-mentioned Rule shall not be complied with.

16.
Registrar's Name and Place of Abode to be put on Door of Churches, &c.

And be it Enacted, That every Registrar or Deputy Registrar (as the case may be) shall cause his name and place of abode, with the addition of Registrar or Deputy Registrar (as the case may be) for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house.

17.
Register Books to be provided.

And be it Enacted, That the Registrar General shall cause to be printed, on account of the said Register Office, a sufficient number of Register Books, for making entries of all Births, Deaths and Marriages of His Majesty's Subjects in England, according to the forms of Schedules (A.), (B.), (C.), to this Act annexed; and the said Register Books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of Births, Deaths and Marriages respectively; and every page of each of such Books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the Book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

18.
Registrars to register Births and Deaths: Register and certified Copy to be delivered to Superintendent.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of Register Books of Births, and of Register Books of Deaths, and of Forms for certified Copies thereof, as hereinafter provided, at a reasonable price to be fixed from time to time by one of His Majesty's Principal Secretaries of State, and to be paid on demand in each case by the parties by whom the Registrar is appointed to the Registrar, and by him accounted for to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every Birth and every Death which shall happen within his District after the said *Thirty-first* day of *December*, and to learn and register as soon after the event as conveniently may be done, without fee or reward, save as hereinafter mentioned, in one of the said Books, the particulars required to be registered according to the Forms in the said Schedules (A.) and (B.) respectively, touching every such Birth or every such Death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the Book: and at the least *Four* times in every year, on such days as shall from time to time be appointed by the Registrar General, every Registrar shall make and deliver to the Superintendent Registrar of his District on parchment or vellum, a true Copy, certified by him under his hand, according to the Form of Schedule (D.) to this Act annexed, of all the entries of Births and Deaths in the Register Book kept by him since the last certificate; and the Superintendent Registrar shall verify the same, and if found to be correct shall certify the same, under his hand, to be a true copy; and if there shall have been no Birth or Death registered since the delivery of the last certificate, the Registrar shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said Register Books until it shall be filled, and shall then deliver it to the Superintendent Registrar.

19.
Occupiers of Houses in which Birth or Death happens, and in cases of Foundlings or exposed dead bodies, Overseers and Coroners required to give notice to the Registrar.

And be it Enacted, That the Occupier of every house or tenement in England in which any Birth or Death shall happen, after the said *Thirty-first* day of *December* shall within *Eight* Days next after the day of such Birth, or within *Three* Days after the day of such Death respectively, give Notice of such Birth or Death to the Registrar of the District; and in case any new-born child or any dead body shall be found exposed, the Overseers of the Poor in the case of the new-born child, and the Coroner, in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar; and every Person herein required who shall refuse, or without reasonable cause neglect to give such Notice as aforesaid, shall forfeit for every such offence a sum not exceeding *Twenty* Shillings; and for the purposes of this Act the Master or Keeper of every Gaol, Prison or House of Correction, or Workhouse, Hospital or Lunatic Asylum shall be deemed the occupier thereof.

20.
Parent or Occupier of House, required to give particulars of Birth, so far as known.

And be it Enacted, That the Father or Mother of every Child born in England after the said *Thirty-first* day of *December*, or in case of the death, illness, absence or inability of the Father and Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall within *Fifteen* Days next after the day of every such Birth give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the Birth of such Child.

21.
Children born at Sea may be registered.

And be it Enacted, That if any Child of an English Parent shall be born at Sea, the Father or Mother, or some person present at the Birth of such Child, or in default thereof the Surgeon or Captain or Commanding Officer of the Vessel on board of which the said Child shall have been born, shall forthwith certify the several particulars hereinbefore required to be inserted in the Register touching the Birth of such

Child, so far as the same may be known, and the name of the Vessel wherein the Birth took place; and shall, on the arrival of such Vessel in any Port of the United Kingdom, or by any other sooner opportunity, send the said Certificate through the Post Office to the Registrar-General, who shall keep the same, with the other Registers, according to the provisions of this Act.

22.
Births, after Fifteen Days, to be registered before the Superintendent Registrar.

And be it Enacted, That after the expiration of *Fifteen* Days following the day of the Birth of any Child, it shall not be lawful for any Registrar to register such Birth, save as hereinafter is next mentioned: Provided, That in case the Birth of any Child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any Person present at the Birth of such Child, at any time within *Six* calendar Months next after the Birth, on production of the Child before the Registrar and Superintendent Registrar of the District in which the Birth shall have happened, to declare upon oath, or solemn affirmation, in cases in which by law an affirmation may be substituted for an oath (which Oath or Affirmation the Superintendent Registrar is authorized to administer) the particulars required to be known, touching the Birth of such Child, according to the best of his or her knowledge and belief; and it shall thereupon be lawful for the said Registrar then and there, in the presence of the Superintendent Registrar, to register the Birth of the said Child, according to the information of the Person making the said declaration: Provided nevertheless, That in every such case the Superintendent Registrar before whom the said declaration is made, shall sign the entry of the Birth as well as the Registrar; and for every such Registry as last aforesaid, the Superintendent Registrar shall be entitled to have a fee of *Two Shillings and Sixpence*; and the Registrar, over and above the fee hereinafter enacted in respect of every Birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of *Two Shillings and Sixpence*, from the Person requiring the same to be registered; and no Register of Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that *Fifteen* Days have intervened between the day of the Birth and the day of the Registration of the Birth of such Child, unless the entry shall be signed by the Superintendent Registrar; and every Person who shall knowingly register, or cause to be registered the Birth of any Child, otherwise than hereinbefore is last mentioned, after the expiration of *Fifteen* Days following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding *Fifty* Pounds.

23.
Births not to be registered after Six Months.

And be it Enacted, That after the expiration of *Six* calendar Months following the day of the Birth of any Child, it shall not be lawful for any Registrar to register the Birth of such Child, and no Register of

Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that *Six* calendar Months have intervened between the day of the Birth and the day of the Registration of the Birth of such Child; and every Person who shall knowingly register, or cause to be registered, the Birth of any Child, after the expiration of *Six* calendar Months following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding *Fifty* Pounds.

24. Baptismal Name, if different from that in Register, may be added.

And be it Enacted, That if any child born in England, whose Birth shall have been registered as aforesaid, shall have any Name subsequently given to it in Baptism, by which it shall not have been so registered, the parent or guardian of such child, or other Person procuring such unregistered Name to be given, is hereby required within *Seven* Days next after such Baptism, to procure and deliver to the Registrar or Superintendent Registrar in whose custody the register of the Birth of the child may then happen to be, a Certificate, according to the Form of Schedule (G.) to this Act annexed, signed by the Minister who shall have performed the rite of Baptism, which Certificate such Minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of *One* Shilling, which he shall be therefore entitled to receive, and the said Registrar or Superintendent Registrar, upon receipt of such Certificate, and on payment of the fee of *One* Shilling, which he shall be therefore entitled to receive, shall without any erasure of the original Entry forthwith register therein that the child was baptized by such name; and the Registrar shall thereupon certify upon the said Certificate the additional Entry so made, and shall forthwith send the said Certificate through the Post-office to the Registrar-General; and every Person who shall knowingly cause or procure any Name to be given in baptism to any registered child by which it shall not have been registered, and who shall not within *Seven* Days as aforesaid procure and deliver such Certificate, shall forfeit and pay a sum not exceeding *Five* Pounds for every such offence.

25. Next of Kin or other Person present at death, or Occupier of House, required to give particulars of death, so far as known.

And be it Enacted, That the Next of Kin, or other Person present with or attending in his or her last illness, every Person dying in England after the said *Thirty-first* day of *December*, or in case of the death, illness, inability or default of all such Persons, the Occupier of the House or Tenement in which such death shall have happened, shall, within *Eight* Days next after the day of such death, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such Person:

Registrar to make entry of finding of Jury upon Coroners' Inquests.

Provided always, That in every case in which an Inquest shall be held on any dead Body, the Jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the Jury, and the Registrar shall make the entry accordingly.

26.
Persons dying at Sea may be registered

And be it Enacted, That if any of His Majesty's English Subjects shall die at Sea, the Surgeon, or in default thereof the Captain or Commanding Officer of the Vessel on board of which such death shall have happened, shall forthwith certify the several particulars hereinbefore required to be inserted in the Register touching such death, so far as the same may be known, and the name of the Vessel wherein the death took place, and shall on the arrival of such Vessel in any port of the United Kingdom, or by any other sooner opportunity, send the said Certificate through the Post-office to the Registrar-General, who shall keep the same, with the other Registers, according to the provisions of this Act.

27.
No dead Body to be buried without Certificate of Registry or of Inquest.

And be it Enacted, That every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the Person having charge of the Funeral, a Certificate under his hand, according to the Form of Schedule (F.) to this Act annexed, that such Death has been duly registered, and such Certificate shall be delivered by the Person having charge of the Funeral, to the Minister or officiating Person who shall be required to perform any religious service for the burial of the dead body, or to the Person by whose authority the grave or vault shall be dug or opened for the burial of such body, and no dead body shall be buried until such Certificate shall have been so delivered: Provided always, That the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death; and shall in such case give a Certificate of his order in writing under his hand, according to the Form of Schedule (F.) to this Act annexed, to the Person having charge of the Funeral, which shall be delivered as aforesaid; and every Person who shall perform any funeral or any religious service for the burial of any dead body, or who shall authorize any grave or vault to be dug or opened for the purpose of burying any dead body therein, until a Certificate shall have been duly made and delivered as aforesaid, shall forfeit and pay any sum not exceeding *Ten* Pounds for every such offence.

28.
Register to be signed by the Informant.

And be it Enacted, That every Register of Birth or Death under this Act shall be signed by the Person by whom the information therein registered shall have been given, and no Register of Birth or Death according to this Act shall be given in evidence, which shall not be signed by some Person professing to be the Informant, and to be such party as is herein required to give such information to the Registrar.

29.
Registrars to be paid by the Overseers according to a Scale.

And be it Enacted, That every Registrar shall make out an Account *Four* times in every year of the number of Births and Deaths which he shall have registered since the last *Quarterly* Account, and shall verify the same by a solemn declaration before any Justice, who shall thereupon sign the same, and the Guardians of the Union or Overseers of the parish, township or place for which he shall be Registrar, on production of the said account so verified and signed, shall pay to the said Registrar, out of the monies in their hands or power as such Guardians or Overseers, such sums as he shall be entitled to receive on the said account, according to the following scale; (that is to say) for the first *Twenty* Entries of Births and Deaths in every year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, *Two Shillings and Sixpence* each; and *One* Shilling for every subsequent Entry of Births or Deaths in each year; and in the case of an Union, the said several sums shall be charged to the account of the Parishes in which such Births or Deaths respectively shall have occurred.

30.
Marriage Registers to be kept, in Duplicate.

And be it Enacted, That the Registrar General shall furnish to the Rector, Vicar or Curate of every Church and Chapel in England wherein Marriages may lawfully be solemnized, and also to every Person whom the Recording Clerk of the People called Quakers, at their central Office in London, shall from time to time certify in writing under his hand to the Registrar General to be a Registering Officer in England of the said People, and also to every Person whom the Secretaries of the Synagogue in Duke's-place and of the Portuguese Synagogue in Bevis Marks, shall from time to time jointly certify in writing under their hands to the Registrar General to be the Secretary of a Synagogue in England of Persons professing the Jewish Religion, a sufficient number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof as hereinafter provided; and the Officiating Minister in every such Church or Chapel, immediately after every office of Matrimony solemnized by him, shall register in duplicate in two of the Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer of the People called Quakers, as soon as conveniently may be, after the solemnization of any Marriage among the People called Quakers, in the district for which he is Registering Officer, and every such Secretary of a Synagogue immediately after every Marriage solemnized by him, or by any other Officer of the Synagogue whereof he is Secretary, between any two Persons professing the Jewish Religion, shall register or cause to be registered in duplicate in two of the said Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said People called Quakers, or of the Persons professing the Jewish Religion, as the case may be, and shall, for the purpose of signifying the same, sign his name to the Entry thereof; and every such Entry as hereinbefore is mentioned (whether made by such Officiating Minister or by such Registering Officer or Secretary respectively as aforesaid) shall be made in order from the beginning to the end of each Book, and the number of the place of Entry in each duplicate Marriage Register Book shall be the same.

31.
Duplicates and certified Copies to be sent to Superintendent Registrar.

And be it Enacted, That every such Officiating Minister, Registering Officer and Secretary shall, within *One* calendar Month next after the *First* day of *January*, the *First* day of *April*, the *First* day of *July*, and the *First* day of *October* respectively, make and deliver to the Superintendent Registrar of the district within which such Marriages were solemnized, on parchment or vellum, a true copy, certified by him, under his hand, of all the Entries of Marriages in the Register Book kept by him since the last Certificate; and if there shall have been no Marriage entered therein since the last Quarterly Certificate, shall certify the fact under his hand, and shall keep the said Marriage Register Books safely until the same shall be filled; and one copy of every such Register Book, when filled, shall be delivered to the Superintendent Registrar of the District, and the other copy of every such Register Book (except the Register Books of Marriage among the People called Quakers, and among Persons professing the Jewish Religion) shall remain in the keeping of the Officiating Minister, and shall be kept by him in the public chest of the parish within which the Marriages registered therein shall have been solemnized; and the other copy of every such Register Book of Marriages among the People called Quakers, and among Persons professing the Jewish Religion respectively, shall remain under the care of the said People or Persons respectively, to be kept with their other Registers and Records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the Registering Officer for the district for the time being of the said People, or of the Secretary for the time being for the Synagogue wherein such Marriages shall have been solemnized.

32.
Searches may be made, and Certificates given by the Persons keeping the Registry Books.

And be it Enacted, That every Person who, according to the provisions of this Act shall have the keeping, for the time being, of any Register Book of Births, Deaths or Marriages, shall, at all reasonable times, allow Searches to be made of any Register Book in his keeping, and shall give certified Extracts from the same, on payment of the fee hereinafter mentioned; (that is to say) for every Search, extending over a period not more than *One* Year, the sum of   , and so in proportion for any number of years or longer time than *One* Year, and the sum of   for every single Certificate.

Superintendent Registrars to send certified copies of Registers to the General Register Office.

And be it Enacted, That every Superintendent Registrar shall *Four* times in every year, on such days as shall be therefore named by the Registrar General send to the Registrar General all the certified copies of the Registers of Births, Deaths and Marriages which he shall have so received during the *Three* calendar Months next preceding such *Quarterly* days of transmission respectively; and if it shall appear by interruption of the regular progression of numbers or otherwise, that the copy of any part of any Book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and every such Superintendent Registrar shall be entitled to have the sum of *Twopence* for every Entry in such Certificates, to be paid to him by the Lord High Treasurer or Lords Commissioners of the Treasury out of the Consolidated Fund; and the certified Copies so sent to the General Registry Office shall be thereafter kept in the said Office, in such order and manner as the Registrar General, under such direction as aforesaid, shall think fit, so that the same may be most readily seen and examined.

34.
Certificates of General Registry Office to be sealed.

And be it Enacted, That the said Commissioners shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all Certificates of Registration given in the said Office; and all Certificates purporting to be sealed or stamped with the Seal of the said Register Office, shall be received as evidence of the same respectively without any further or other proof thereof; and no Certificate purporting to be given in the said Office shall be of any force or effect which is not sealed or stamped as aforesaid.

35.
Indexes to be kept, Searches allowed and Certificates given.

And be it Enacted, That the Registrar General shall cause Indexes of the said Registers to be made and kept in the General Register Office; and that every Person shall be entitled on payment of the fees hereinafter mentioned to search the said Indexes, between the hours of *Nine* in the Morning and *Four* in the Afternoon of every day, except Sundays, Christmas-day and Good Friday, or on other days authorized to be kept as holydays, and to have a certified Copy of any Entry in the said Registers, sealed or stamped with the seal of the General Register Office; and for every general search of the said Indexes shall be paid the sum of *Twenty* Shillings, and for every particular search the sum of *One* Shilling, and for every such certified Copy the sum of *Two Shillings and Sixpence*, and no more, to the Registrar General, or such other Officer as shall be appointed for that purpose on his account; and every sum received under the provisions of this Act by the Registrar General, or other Officers appointed for that purpose on his account, shall be accounted for by the Registrar General, and paid over to the account of the Consolidated Fund.

36.
Penalty on Parties being married refusing to answer Questions.

And be it Enacted, That it shall be lawful for every Officiating Minister who shall solemnize any Marriage in England, and for every Registering Officer of the People called Quakers, and every Secretary of a Synagogue, after the said *Thirty-first* day of *December* to ask of the Parties married the several particulars herein required to be registered touching such Marriage; and every Person who shall refuse, or without reasonable cause neglect to answer, according to the best of his or her knowledge and belief, shall forfeit and pay a sum not more than *Fifty* Pounds for every such offence.

37.
Penalty for wilfully giving false information.

And be it Enacted, That every Person who shall wilfully make or cause to be made for the purpose of being inserted in any Register of Birth, Death or Marriage, any false statement touching any of the particulars herein required to be known and registered, shall be deemed guilty of *Perjury*, and punished accordingly.

38.
Penalty for not duly registering Births, Deaths and Marriages, or for losing or injuring Registers.

And be it Enacted, That every Person who shall refuse, or without reasonable cause omit, to register any Marriage solemnized by him, or which, according to the provisions of this Act, he ought to register; and every Registrar who shall refuse, or without reasonable cause omit, to register any Birth or Death, of which he shall have had due notice as aforesaid, and every Person having, according to the Provisions of this Act, the keeping of any Register Book or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding *Fifty* Pounds for every such offence.

39.
Penalty for destroying or falsifying Register Books.

And be it Enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book or any part, or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such Register Book, or certified copy thereof, or shall wilfully insert, or cause to be inserted in any Register Book, or certified copy thereof, any false Entry of any Birth, Death or Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of *Felony*, and being lawfully convicted thereof, shall be liable to be *transported* beyond the seas for the term of *his natural life*, or for any number of years not less than *Fourteen*.

40.
Accidental Errors may be corrected.

Provided always, and be it Enacted, That no Person charged with the duty of registering any Birth, Death or Marriage, who shall discover any error to have been committed in the form or substance of any such Entry, shall be therefore liable to any of the penalties aforesaid, if within *One* calendar Month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the Parties married, or of two Persons attending upon any Person in his or her last illness, whose Death may have been so registered, or in case of the death or absence of the respective Parties aforesaid, then in the presence of the Superintendent Registrar, and of two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, That in the case of a Marriage Register, he shall make the like marginal entry, attested in like manner, in the duplicate Marriage Register Book to be made by him as aforesaid; and in every case shall make the like alteration in the certified copy of the Register Book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

41.
Recovery of Penalties.

And be it Enacted, That all Fines and Forfeitures by this Act imposed, shall be recovered before any two Justices of the Peace for the county, city or place where the offence shall have happened, upon the information or complaint of any Person; and if on the conviction of the Offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such Justices are hereby empowered to administer) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the Offender, by Warrant under the hand and seal of such Justices; and for want of distress such Justices may commit every such Offender to the Common Gaol or House of Correction for the county, city or place where the Offender shall be committed, without bail or mainprize, for any term not exceeding *One* calendar Month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and *one moiety* of all such fines and forfeitures shall go to the Person who shall inform and sue or prosecute for the same, and the *other moiety* shall go to the Registrar General, or to such other Person as the Commissioners shall appoint for the use of His Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction or warrant of distress, or on account of any irregularity which shall be afterwards committed by the Party distraining; but the Person or Persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

42. Form of Conviction.

And be it Enacted, That any Justice of the Peace before whom any Person shall be convicted of any offence against this Act, may cause the Conviction to be drawn up according to the following Form; (that is to say)

"BE it Remembered, That on the day of in the year of our Lord A. B. is convicted before us, two of His Majesty's Justices of the Peace for the of for that he [here specify the Offence and the time when committed, as the case may be], contrary to an act of Parliament made and passed in the year of the reign of King WILLIAM the Fourth, intituled, [here insert the title of this Act]: And we, the said Justices, adjudge the said for his said offence, to forfeit and pay the sum of and also to pay the sum of for costs; and in default of payment of the said sum forthwith, to be imprisoned in the for the space of unless the said sum shall be sooner paid. Given under our hands and seals the day and year first above written."

43. Appeal.

And be it Enacted, That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed *Five* Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than *Twelve* Days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen: Provided, That such Person shall give to the Complainant a Notice in writing of such Appeal, and of the cause and matter thereof, within *Three* Days after such conviction, and *Seven* clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance with *Two* sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the matter of the Appeal, and shall make such order therein, with or without costs to either Party, as to the Court shall seem meet; and in case of the dismissal of the Appeal or the affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

44.
No Certiorari.

And be it Enacted, That no such Conviction or Adjudication made on Appeal therefrom shall be quashed for want of form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid conviction to sustain the same.

45.
Schedules may be amended by the advice of the Lords of the Privy Council.

And be it Enacted, That it shall be lawful for His Majesty, His heirs and successors, by the advice of His and their Privy Council, from time to time to direct such alterations and additions in and to the said Schedules as to Him and Them shall seem fit; and the Schedules so altered shall thenceforward, or from such future time as His Majesty, His heirs and successors shall so direct, be used instead of the Schedules respectively to this Act annexed, and shall be of the like effect as if the said Schedules had been originally annexed to this Act in such altered form.

46.
Registers of Baptisms and Burials may be kept as heretofore.

Provided always, and be it Enacted, That nothing herein contained shall affect the Registration of Baptisms or Burials as now by law established, or the right of any officiating Minister to receive the Fees now usually paid for the performance or registration of any Baptism, Burial or Marriage.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

1836.—Births in the *Parish* of *Marylebone*, in the County of *Middlesex*.

N°	When Born.	Name.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	When and where Parents Married.	Rank or Profession of Father.	Signature of Informant.	When Registered.	Signature of Registrar.
1	*7th Jan.*	*James, Baptized Thomas.*	*Boy.*	*William Green.*	*Rebecca Jennings.*	*3 March 1830. Leominster, Herefordshire.*	*Carpenter.*	*William Green, Father.*	*9 January.*	*John Cox, Registrar.*

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (B.)

1836.—Deaths in the *Parish* of *Marylebone,* in the County of *Middlesex*.

N°	When Died.	Name and Surname.	Sex.	Age.	Where Born.	Rank or Profession.	Signature of Informant.	When Registered.	Signature of Registrar.
17	*4 February.*	*William Green.*	*Male.*	*43*	*Leominster, Herefordshire.*	*Carpenter.*	*Rebecca Green, Widow.*	*5 February.*	*John Cox, Registrar.*

The Words and Figures in *Italics* in this Schedule to be filled in according as the case may be.

SCHEDULE (C.)

1836.—MARRIAGES solemnized at *the Parish Church*, in the *Parish* of *Marylebone*, in the County of *Middlesex*.

No	When Married.	Name and Surname.	Age.	Where Born.	Rank or Description.	Father's Name and Surname.
1	*17 March 1836.*	*William Hastings*	*29*	*Seven Oaks, Kent*	*Upholsterer* -	*Peter Hastings.*
		Sophia Anne Mitchell.	*22*	*Linton, Dorsetshire*	*Spinster* - -	*Geoffry Mitchell.*

Married in the *Parish Church*, according to the usage of the *Established Church*, *by license*, *by me*, with consent of *Parents* and *Guardians*. *James Hollingshead*, *Vicar*.

This Marriage was solemnized between us, *William Hastings* - *Sophia Anne Mitchell* in the presence of us *John Hastings.* *Geoffry Mitchell.*

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (D.)

I, *John Cox*, Registrar of Births and Deaths in the *Parish* of *Marylebone*, in the County of *Middlesex*, Do hereby certify, That this is a true Copy of the Registrar's Book of Births [or Deaths], within the said *Parish*, from the entry of the Birth [or Death] of *James Green*, No. *1*, to the entry of the Birth [or Death] of *William Strange*, No. *34*.

Witness my hand, this *Seventh* day of *March 1838*.

John Cox, Registrar.

SCHEDULE (E.)

I, *John Cox*, Registrar of Births and Deaths in the *Parish* of *Marylebone*, in the County of *Middlesex*, Do hereby certify, That the Death of *Henry Hastings* was duly registered by me on the *Seventh* day of *March 1836*.

Witness my hand, this *Eighth* day of *March 1836*.

John Cox, Registrar.

SCHEDULE (F.)

I, *James Smith*, Coroner for the *County* of *Dorset*, Do hereby Order the Burial of the Body now shown to the Inquest Jury as the Body of *John Jones*.

Witness my hand, this *Eighth* day of *March 1836*.

James Smith, Coroner.

SCHEDULE (G.)

I, *Gilbert Elliot*, *Vicar* of *Barming*, in the County of *Kent*, Do hereby certify, That I have this day baptized by the name of *Thomas*, a *Male* Child, produced to me by *William Green*, as the *Son* of *William Green* and *Rebecca Green*, and declared by the said *William Green* to have been born at *Marylebone*, in the County of *Middlesex*, on the *Seventh* day of *January 1836*.

Witness my hand, this *First* day of *December 1838*.

Gilbert Elliot, Vicar.

Registration of Births, &c.

A

B I L L

For Registering Births, Deaths and Marriages
in England.

(*Prepared and brought in by*
(*Lord John Russell, Mr. Chancellor of the
Exchequer and Mr. Attorney General.*)

Ordered, by The House of Commons, *to be Printed*,
17 *February* 1836.

33.

18 *April* 1836.—6 WILL. IV.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For Registering Births, Deaths and Marriages in *England*.

[N. B.—*The Clauses marked* (A.) *to* (E.) *were added by the Committee.*]

Preamble.

WHEREAS it is expedient to provide the means for a complete Register of the Births, Deaths and Marriages of His Majesty's Subjects in *England*:

And whereas an Act passed in the fifty-second year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages and Burials in *England*," and also an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for amending the Laws respecting the Solemnization of Marriages in *England*," are insufficient for the purpose aforesaid:

1.
So much of 52 Geo. 3. c. 146, and 4 Geo. 4. c. 76, as relates to Registration of Marriages, Repealed.

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven, so much of the said Acts as relates to the Registration of Marriages shall be Repealed.

2.
General Registry Office to be provided in London or Westminster.

And be it Enacted, That it shall be lawful for His Majesty to provide a proper Office in *London* or *Westminster*, to be called "The General Register Office," for keeping a Register of all Births, Deaths and Marriages of His Majesty's Subjects in *England*, and to appoint for the said Office, under the Great Seal of the United Kingdom, a Registrar General of Births, Deaths and Marriages in *England*, and from time to time at pleasure to remove the said Registrar General, and appoint some other Person in his room.

3.
Clause (A.)
Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, to appoint Officers, and fix Salary.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, or the Registrar General, subject to the approval of the said Lords Commissioners, shall appoint from time to time such Officers, Clerks and Servants as they shall deem necessary to carry on the business of the General Registry Office, and at pleasure remove them, or any of them, and the said Lord Treasurer or Lords Commissioners shall fix the Salary of the Registrar General, so that the same shall not at any time exceed the sum of   yearly, and shall fix the Salaries of the Officers, Clerks and Servants in fit proportion, according to the duties they may have to perform.

4.
Regulations for conduct of Officers, to be framed under direction of Secretary of State.

And be it Enacted, That any one of His Majesty's Principal Secretaries of State, or the Registrar General, with the approbation of such Principal Secretary, from time to time may make regulations for the management of the said Register Office, and for the duties of the Registrar General, Clerks, Officers and Servants of the said Office, and of the Registrars, Deputy Registrars and Superintendent Registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers and Servants, and on the Registrars, Deputy Registrars and Superintendent Registrars.

5.
Annual Abstract of Registers to be laid before Parliament.

And be it Enacted, That the Registrar General shall send once in every year to one of the Principal Secretaries of State a General Abstract of the numbers of Births, Deaths and Marriages registered during the foregoing year, in such form as the said Secretary from time to time shall require; and every such annual General Abstract shall be laid before Parliament within One Month after receipt thereof, or after the meeting of Parliament.

6.
Registrars and Superintendent Registrars to be appointed.

And be it Enacted, That the Guardians of every Union, declared under the provisions of an Act passed in the fifth and sixth year of His present Majesty, intituled, "An Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*," and also of every Parish or Place in which a Board of Guardians shall have been established under the provisions of the last-named Act, shall, on or before the First day of October in this year, if the said Board of Guardians shall have been established before the passing of this Act, or within Three calendar Months next after the establishment of the Board, if the said Board shall not have been established before the passing of this Act, divide the Union, or the Parish or Place of which they are the Guardians, into such and so many Districts as they, subject to the approval of the Registrar General, shall think fit, and every such Division when made, shall be published by the Guardians within the Union, Parish or Place of which they are Guardians, in such manner as the said Registrar General shall direct, and every such District shall be called by a distinct name, and shall be a Registrar's District; and the Guardians, subject to the approval of the Registrar General, shall appoint a Person properly qualified to be Registrar of each district, and in every case of vacancy in the office of Registrar, shall forthwith fill up the vacancy, subject to the like approval; and the Registrar General shall appoint, subject to the approval of One of His Majesty's Principal Secretaries of State, a person properly qualified to be the Superintendent Registrar of each Union, or of such Parish or Place, and in every case of vacancy of the Office of Superintendent Registrar, the Registrar General shall forthwith fill up the vacancy, with the like approval as aforesaid; and every Registrar and Superintendent Registrar shall hold his office during the pleasure of the Registrar General.

7. Register Offices to be provided in each Union.

And be it Enacted, That the Guardians shall provide and uphold, out of the monies coming to their hands or control as such Guardians, a Register Office, according to a plan to be approved by the Lords Commissioners of the Treasury, for preserving the Registers to be deposited therein, as hereinafter provided; and the care of the said Office, and the custody of the Registers deposited therein, shall be given to the Superintendent Registrar of the Union, or Parish or Place having a Board of Guardians as aforesaid.

8. Temporary Registrars and Superintendent Registrars to be appointed for Parishes not under the Poor Law Act.

And be it Enacted, That the Poor Law Commissioners for *England* and *Wales* shall, as soon as may be after the said First day of October, form all the Parishes, Townships, and Places in *England*, in or for which a Board of Guardians shall not have been then established under the provisions of the said Act for the Amendment of the Laws relating to the Poor, into temporary Districts, and shall appoint a Registrar to each of such temporary Districts, subject to being displaced as hereinafter provided; and the Registrar General, subject to the approval of the said Secretary of State, shall appoint a sufficient number of fit Persons to be Superintendent Registrars for such temporary districts, subject to being displaced as hereinafter provided, and shall appoint the Districts which each shall superintend.

9. In case of subsequent Unions, previous Appointments to be vacated.

And be it Enacted, That in every case in which a Board of Guardians shall be established under the provisions of the said Act for the amendment of the Laws relating to the Poor, in or for any parish, township or place forming part of any temporary District in or for which a Registrar or Superintendent Registrar shall have been previously appointed as last aforesaid, and as soon as the Registrar General shall have approved the appointment of a Registrar or Registrars, for the districts into which the Guardians shall have divided the Union, or Parish or Place of which they are Guardians as aforesaid, and the Registrar-General, with the approval of the Secretary of State, shall have appointed a Superintendent Registrar for such Districts, in like manner as in the Unions formed before the passing of this Act, every such Parish or Place shall cease to be a part of the temporary district to which it was so annexed by the Poor Law Commissioners, and every Registrar, Deputy Registrar and Superintendent Registrar appointed before the election of such Board of Guardians as aforesaid, in or for such parish, township or place, shall cease to hold their respective offices, so far as relates to such parish, township or place, unless re-appointed.

10.
Deputy Registrars to be appointed.

And be it Enacted, That for every district for which a Registrar shall be appointed, the Registrar shall have power, subject to the approval of the Registrar General, to appoint a fit Person to act as his Deputy, in case of the illness or unavoidable absence of such Registrar; and every such Deputy Registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning Registrars, and in case of the death of the Registrar, shall act as Registrar until another Registrar is appointed, and every Registrar shall be civilly responsible for the acts or omissions of his Deputy.

11.
Appointments to be exempt from Stamp Duties.

And be it Enacted, That the Appointments of Registrars, Deputy Registrars and Superintendent Registrars, and the duplicates and certified copies of Registers hereinafter mentioned, shall be exempt from all Stamp Duties.

12.
CLAUSE (B.)
Register Boxes to be provided.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of strong iron boxes to hold the Register Books, to be kept by such Registrar, and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the Registrar, and the other key shall be kept by the Superintendent Registrar; and the Register Books of each district, while in the custody of the Registrar, and not in use, shall be always kept in the register box, and the register box shall always be kept locked.

13.
All Books, &c. to be transferred on removal of Registrar.

And be it Enacted, That in every case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said office, all Register Boxes, Keys, Books, Documents and Papers in his possession as such Registrar or Superintendent Registrar shall be given as soon as conveniently may be to his successor in office; and if any Person shall refuse to give up any such Box, Key, Books, Documents or Papers in such case as aforesaid, it shall be lawful for any of His Majesty's Superior Courts at *Westminster*, or any Judge of the said Courts, upon summary application made for that purpose, to grant a Rule upon the Party to show cause why the same should not be forthwith delivered up, and to make an absolute Rule for delivering up the same, and to proceed by attachment in the usual way, in case such last-mentioned Rule shall not be complied with.

14.
Registrar's Name and Place of Abode to be put on the Door of his House, &c.

And be it Enacted, That every Registrar and Deputy Registrar shall dwell within the District of which he is Registrar or Deputy-Registrar, and shall cause his name, with the of addition of Registrar or Deputy Registrar (as the case may be) for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house, and the Superintendent Registrar shall cause to be printed and published in the districts which he shall superintend a list of the name and place of abode of every Registrar and Deputy Registrar under his superintendence.

15.
Register Books to be provided.

And be it Enacted, That the Registrar General shall cause to be printed, on account of the said Register Office, a sufficient number of Register Books, for making entries of all Births, Deaths and Marriages of His Majesty's Subjects in *England*, according to the forms of Schedules (A.), (B.), (C.), to this Act annexed; and the said Register Books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of Births, Deaths and Marriages respectively; and every page of each or such Books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the Book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

16.
Registrars to register Births and Deaths.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of Register Books of Births, and of Register Books of Deaths, and of Forms for certified Copies thereof, as hereinafter provided, at a reasonable price to be fixed from time to time by one of His Majesty's Principal Secretaries of State, the cost whereof shall be borne by the union, parish, or place in or for which the Superintendant Registrar is appointed, and shall be paid by the Guardians or by the Churchwardens and Overseers (as the case may be) out of the monies coming to their hands or control as such Guardians or Churchwardens and Overseers to the Registrar, and shall be accounted for by him to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every Birth and every Death which shall happen within his District after the said First day of March, and to learn and register as soon after the event as conveniently may be done, without fee or reward, save as hereinafter mentioned, in one of the said Books, the particulars required to be registered according to the Forms in the said Schedules (A.) and (B.) respectively, touching every such Birth or every such Death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the Book.

17.
Occupiers of Houses in which Birth or Death

And be it Enacted, That the Occupier of every house or tenement in *England* in which any Birth or Death shall happen, after the said First happens, and in cases of Foundlings or exposed dead bodies, Overseers and Coroners required to give notice to the Registrar.

First day of March shall within Eight Days next after the day of such Birth, or within Three Days after the day of such Death respectively, give Notice of such Birth or Death to the Registrar of the District; and in case any new-born child or any dead body shall be found exposed, the Overseers of the Poor in the case of the new-born child, and the Coroner, in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar; and every Person herein required who shall refuse, or without reasonable cause neglect to give such Notice as aforesaid, shall forfeit for every such offence a sum not exceeding Twenty Shillings; and for the purposes of this Act the Master or Keeper of every Gaol, Prison or House of Correction, or Workhouse, Hospital or Lunatic Asylum, or Public or Charitable Institution, shall be deemed the occupier thereof.

18.
Parent or Occupier of House, required to give particulars of Birth, so far as known.

And be it Enacted, That the Father or Mother of every Child born in *England* after the said First day of March, or in case of the death, illness, absence or inability of the Father and Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall within Fifteen Days next after the day of every such Birth give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the Birth of such Child.

19.
Children born at Sea may be registered.

And be it Enacted, That if any Child of an English Parent shall be born at Sea on board of a British Vessel, the Father or Mother, or some person present at the Birth of such Child, or in default thereof the Surgeon or Captain or Commanding Officer of the Vessel on board of which the said Child shall have been born, shall forthwith certify the several particulars hereinbefore required to be inserted in the Register touching the Birth of such Child, so far as the same may be known, and the name of the Vessel wherein the Birth took place; and shall, on the arrival of such Vessel in any Port of the United Kingdom, or by any other sooner opportunity, send the said Certificate through the Post Office to the Registrar-General, who shall file the same, and enter a Copy thereof under his hand in a Book to be kept for that purpose in the General Register Office, to be called the "Marine Register Book," and shall keep the said Book with the other Registers, according to the provisions of this Act.

20.
Births, after Fifteen Days, to be registered before the Superintendent Registrar.

And be it Enacted, That after the expiration of Fifteen Days following the day of the Birth of any Child, it shall not be lawful for any Registrar to register such Birth, save as hereinafter is next mentioned: Provided, That in case the Birth of any Child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any Person present at the Birth of such Child, at any time within Six calendar Months next after the Birth, on production of the Child before the Registrar and Superintendent Registrar of the District in which the Birth shall have happened, to declare upon oath, or solemn affirmation, in cases in which by law an affirmation may be substituted for an oath (which Oath or Affirmation the Superintendent Registrar is authorized to administer) the particulars required to be known, touching the Birth of such Child, according to the best of his or her knowledge and belief; and it shall thereupon be lawful for the said Registrar then and there, in the presence of the Superintendent Registrar, to register the Birth of the said Child, according to the information of the Person making the said declaration; and in every such case the Superintendent Registrar before whom the said declaration is made, shall sign the entry of the Birth as well as the Registrar; and for every such Registry as last aforesaid, the Superintendent Registrar shall be entitled to have a fee of Two Shillings and Sixpence from the Person requiring the same to be registered; and the Registrar, over and above the fee hereinafter enacted in respect of every Birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of Five Shillings from the Person requiring the same to be registered; and no Register of Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that Fifteen Days have intervened between the day of the Birth and the day of the Registration of the Birth of such Child, unless the entry shall be signed by the Superintendent Registrar; and every Person who shall knowingly register, or cause to be registered the Birth of any Child, otherwise than hereinbefore is last mentioned, after the expiration of Fifteen Days following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

21.
Births not to be registered after Six Months.

And be it Enacted, That after the expiration of Six calendar Months following the day of the Birth of any Child, it shall not be lawful for any Registrar to register the Birth of such Child, and no Register of Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that Six calendar Months have intervened between the day of the Birth and the day of the Registration of the Birth of such Child; and every Person who shall knowingly register, or cause to be registered, the Birth of any Child, after the expiration of Six calendar Months following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

22.
Baptismal Name, if different from that in Register, may be added.

And be it Enacted, That if any child born in *England*, whose Birth shall have been registered as aforesaid, shall within Six calendar Months next after it shall have been so registered, have any Name subsequently given to it in Baptism, by which it shall not have been so registered, the parent or guardian of such child, or other Person procuring such unregistered Name to be given, is hereby required within Seven Days next after such Baptism, to procure and deliver to the Registrar or Superintendent Registrar in whose custody the register of the Birth of the child may then happen to be, a Certificate, according to the Form of Schedule (G.) to this Act annexed, signed by the Minister who shall have performed the rite of Baptism, which Certificate such Minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of One Shilling, which he shall be therefore entitled to receive, and the said Registrar or Superintendent Registrar, upon receipt of such Certificate, and on payment of the fee of One Shilling, which he shall be therefore entitled to receive, shall without any erasure of the original Entry forthwith register therein that the child was baptized by such name; and the Registrar shall thereupon certify upon the said Certificate the additional Entry so made, and shall forthwith send the said Certificate through the Post-office to the Registrar-General; and every Person who shall knowingly cause or procure any Name to be given in baptism to any registered child by which it shall not have been registered, and who shall not within Seven Days as aforesaid procure and deliver such Certificate, shall forfeit and pay a sum not exceeding Five Pounds for every such offence, and no such Baptismal name shall be Registered in the said Register after the expiration of Six calendar Months after the registration of the birth of the child.

23.
Next of Kin or other Person present at death, or Occupier of House, required to give particulars of death, so far as known.

And be it Enacted, That the Husband or Wife, or person nearest of kin, or some Person present at the death, or in attendance during the last illness, of every Person dying in *England* after the said First day of March, or in case of the death, illness, inability or default of all such Persons, the Occupier of the House or Tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within Eight Days next after the day of such death, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such Person: Provided always, That in every case in which an Inquest shall be held on any dead Body, the Jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the Jury, and the Registrar shall make the entry accordingly.

Registrar to make entry of finding of Jury upon Coroners' Inquests.

24.
Persons dying at Sea may be registered

And be it Enacted, That if any of His Majesty's *English* Subjects shall die at Sea on board of a British Vessel, the Surgeon, or in default thereof the Captain or Commanding Officer of the Vessel on board of which such death shall have happened, shall forthwith certify the several particulars hereinbefore required to be inserted in the Register touching such death, so far as the same may be known, and the name of the Vessel wherein the death took place, and shall on the arrival of such Vessel in any port of the United Kingdom, or by any other sooner opportunity, send the said Certificate through the Post-office to the Registrar-General, who shall fill the same, and enter a copy thereof under his hand in the Marine Register Book, and keep the same, with the other Registers, according to the provisions of this Act.

25.
No dead Body to be buried without Certificate of Registry or of Inquest.

And be it Enacted, That every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the Undertaker having charge of the Funeral, a Certificate under his hand, according to the Form of Schedule (E.) to this Act annexed, that such Death has been duly registered, and such Certificate shall be delivered by the Undertaker to the Minister or officiating Person who shall be required to bury or to perform any religious service for the burial of the dead body, and no dead body shall be buried until such Certificate shall have been so delivered: Provided always, That the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death; and shall in such case give a Certificate of his order in writing under his hand, according to the Form of Schedule (F.) to this Act annexed, to the Undertaker having charge of the Funeral, which shall be delivered as aforesaid; and every Person who shall bury or perform any funeral or any religious service for the burial of any dead body, until a Certificate shall have been duly made and delivered as aforesaid, either by the Registrar or Coroner, shall forfeit and pay any sum not exceeding Ten Pounds for every such offence.

26.
Register to be signed by the Informant.

And be it Enacted, That every Person by whom the information contained in any Register of Birth or Death under this Act shall have been given shall sign his name, description and place of abode in the Register, and no Register of Birth or Death according to this Act shall be given in evidence, which shall not be signed by some Person professing to be the Informant, and to be such party as is herein required to give such information to the Registrar.

27.
Registrars to be paid by the Overseers according to a Scale.

And be it Enacted, That every Registrar shall make out an Account Four times in every year of the number of Births and Deaths which he shall have registered since the last Quarterly Account, and the Superintendent Registrar shall verify and sign the same, and the Guardians or Overseers of the parish, township or place in or for which he shall be Registrar, on production of the said account so verified and signed, shall pay to the said Registrar, out of the monies in their hands or power as such Guardians or Overseers, such sums as he shall be entitled to receive on the said account, according to the following scale; (that is to say) for the first Twenty Entries of Births and Deaths in every year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, Two Shillings and Sixpence each; and One Shilling for every subsequent Entry of Births or Deaths in each year; and in the case of an Union, the said several sums shall be charged to the account of the Parishes in which such Births or Deaths respectively shall have occurred.

28. Marriage Register Books to be provided.

And be it Enacted, That the Registrar General shall furnish or cause to be furnished to the Rector, Vicar or Curate of every Church and Chapel in *England* wherein Marriages may lawfully be solemnized, and also to every Person whom the Recording Clerk of the Society of Friends, commonly called Quakers, at their central Office in *London*, shall from time to time certify in writing under his hand to the Registrar General to be a Registering Officer in *England* of the said Society, and also to every Person whom the President for the time being of the *London* Committee of Deputies of the *British* Jews shall from time to time certify in writing under his hand to the Registrar General to be the Secretary of a Synagogue in *England* of Persons professing the Jewish Religion, a sufficient number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof as hereinafter provided; and the cost of all such Books and Forms shall be paid by the Churchwardens and Overseers of the parish or chapelry out of the Monies in their hands as such Churchwardens and Overseers, or by the Registering Officer or Secretary, respectively to whom the same shall be furnished.

29. Marriage Registers to be kept in duplicate.

And be it Enacted That every Clergymen of the Church of *England*, immediately after every office of Matrimony solemnized by him, shall register in duplicate in two of the Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer of the Quakers, as soon as conveniently may be, after the solemnization of any Marriage between two Quakers, in the district for which he is Registering Officer, and every such Secretary of a Synagogue immediately after every Marriage solemnized by him, or by any other Officer of the Synagogue whereof he is Secretary, between any two Persons professing the Jewish Religion, shall register or cause to be registered in duplicate in two of the said Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said Society, or of the Persons professing the Jewish Religion, as the case may be; and every such Entry as hereinbefore is mentioned (whether made by such Clergyman or by such Registering Officer or Secretary respectively as aforesaid) shall be signed by the Clergyman, or by the said Registering Officer or Secretary, as the case may be; and by the Parties married, and by Two Witnesses, and shall be made in order from the beginning to the end of each Book, and the number of the place of Entry in each duplicate Marriage Register Book shall be the same.

30.
Certified Copies of Registers of Births and Deaths to be sent quarterly, and Register Books when filled, to the Superintendent Registrar.

And be it Enacted, That in the months of April, July, October and January, on such days as shall from time to time be appointed by the Registrar General, every Registrar shall make and deliver to the Superintendent Registrar of his District, on durable materials, a true Copy, certified by him under his hand, according to the Form of Schedule (D.) to this Act annexed, of all the entries of Births and Deaths in the Register Book kept by him since the last certificate, the first of such certificates to be given in the month of July in the year One thousand eight hundred and Thirty-seven, and to contain all the entries made up to that time; and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same, under his hand, to be a true copy; and if there shall have been no Birth or Death registered since the delivery of the last certificate, the Registrar shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said Register Books until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his office.

31.
Duplicates and certified Copies of Registers of Marriages to be sent to Superintendent Registrar.

And be it Enacted, That the Rector, Vicar or Curate of every such Church and Chapel, and every such Registering Officer and Secretary shall, in the Months of April, July, October and January, respectively, make and deliver to the Superintendent Registrar of the district in which such Church or Chapel, or the house of the Registering Officer or Secretary respectively may be situated, on durable materials, a true copy, certified by him, under his hand, of all the Entries of Marriages in the Register Book kept by him since the last Certificate; the first of such Certificates to be given in the month of July, One thousand eight hundred and Thirty-seven, and to contain all the entries made up to that time, and if there shall have been no Marriage entered therein since the last Certificate, shall certify the fact under his hand, and shall keep the said Marriage Register Books safely until the same shall be filled; and one copy of every such Register Book, when filled, shall be delivered to the Superintendent Registrar of the District, in which such Church or Chapel, or House of the Registering Officer or Secretary may be situated, and the other copy of every such Register Book kept by any such Rector, Vicar or Curate, shall remain in the keeping of such Rector, Vicar or Curate, and shall be kept by him with the Registers of Baptisms and Burials of the Parish or Chapelry within which the Marriages registered therein shall have been solemnized; and the other copy of every such Register Book of Marriages among the People called Quakers, and among Persons professing the Jewish Religion respectively, shall remain under the care of the said People or Persons respectively, to be kept with their other Registers and Records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the Registering Officer for the district for the time being of the said People, or of the Secretary for the time being of the Synagogue by an officer of which such Marriages shall have been solemnized.

32.
Superintendent Registrars to send certified copies of Registers to the General Register Office.

And be it Enacted, That every Superintendent Registrar shall Four times in every year, on such days as shall be therefore named by the Registrar General, send to the Registrar General all the certified copies of the Registers of Births, Deaths and Marriages which he shall have so received during the Three calendar Months next preceding such Quarterly days of transmission respectively; and if it shall appear by interruption of the regular progression of numbers or otherwise, that the copy of any part of any Book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and every such Superintendent Registrar shall be entitled to receive the sum of Two-pence for every Entry in such certified Copies; and every Superintendent Registrar shall make out an Account Four times in every year, of the number of Entries in the certified Copies sent to him during the last quarter; and the certified Copies so sent to the General Registry Office shall be thereafter kept in the said Office, in such order and manner as the Registrar General, under the direction of the Secretary of State, shall think fit, so that the same may be most readily seen and examined.

33.
Searches may be made, and Certificates given by the Persons keeping the Registers.

And be it Enacted, That every Rector, Vicar or Curate, and every Registrar, Registering Officer and Secretary who shall have the keeping, for the time being, of any Register Book of Births, Deaths or Marriages, shall, at all reasonable times, allow Searches to be made of any Register Book in his keeping, and shall give a Copy certified under his hand, of any Entry or Entries in the same, on payment of the fee hereinafter mentioned; (that is to say) for every Search, extending over a period not more than One Year, the sum of One Shilling, and Sixpence additional for every additional year, and the sum of Two Shillings and Sixpence for every single Certificate.

34.
CLAUSE (C.)
Searches may be made at the Superintendent Registrar's Office.

And be it Enacted, That every Superintendent Registrar shall cause Indexes of the Register Books in his Office to be made, and kept with the other Records of his Office, and that every Person shall be entitled at all reasonable hours to search the said Indexes, and to have a certified Copy of any Entry or Entries in the said Register Books under the hand of the Superintendent Registrar, on payment of the fees hereinafter mentioned; (that is to say) for every general Search the sum of Five Shillings, and for every particular Search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence.

35. Indexes to be kept, Searches allowed and Certificates given.

And be it Enacted, That the Registrar General shall cause Indexes of all the said certified Copies of the Registers to be made and kept in the General Register Office; and that every Person shall be entitled on payment of the fees hereinafter mentioned to search the said Indexes, between the hours of Ten in the Morning and Four in the Afternoon of every day, except Sundays, Christmas-day and Good Friday, and to have a certified Copy of any Entry in the said certified copies of the Registers; and for every general search of the said Indexes shall be paid the sum of Twenty Shillings, and for every particular search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence, and no more shall be paid, to the Registrar General, or such other Officer as shall be appointed for that purpose on his account.

36. Certificates of General Registry Office to be sealed.

And be it Enacted, That the Registrar General shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all certified Copies of Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office, shall be received as evidence of the Birth, Death or Marriage to which the same relates, without any further or other proof of such Entry; and no certified Copy purporting to be given in the said Office shall be of any force or effect which is not sealed or stamped as aforesaid.

37. CLAUSE (D.) Fees for Searches in the General Register Office to be accounted for to the Exchequer.

And be it Enacted, That every sum received under the provisions of this Act by or on account of the Registrar General, shall be accounted for and paid by the Registrar General at such times as the Lords Commissioners of the Treasury from time to time shall direct, into the Bank of *England* to the credit of His Majesty's Exchequer, according to the provisions of an Act passed in the fourth and fifth years of His Majesty, intituled, "An Act to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*."

38. Penalty on Parties being married refusing to answer Questions.

And be it Enacted, That it shall be lawful for every Clergyman of the Church of *England* who shall solemnize any Marriage in *England*, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said First day of March, to ask of the Parties married the several particulars herein required to be registered touching such Marriage; and every Person who shall refuse, or without reasonable cause neglect to answer, according to the best of his or her knowledge and belief, shall forfeit and pay a sum not more than Fifty Pounds for every such offence.

39.
Penalty for wilfully givin false information.

And be it Enacted, That every Person who shall wilfully make or cause to be made for the purpose of being inserted in any Register of Birth, Death or Marriage, any false statement touching any of the particulars herein required to be known and registered, shall be deemed guilty of Perjury, and punished accordingly.

40.
Penalty for not duly registering Births, Deaths and Marriages, or for losing or injuring Registers.

And be it Enacted, That every Person who shall refuse, or without reasonable cause omit, to register any Marriage solemnized by him, or which he ought to register; and every Registrar who shall refuse, or without reasonable cause omit, to register any Birth or Death, of which he shall have had due notice as aforesaid, and every Person having, the custody of any Register Book or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding Fifty Pounds for every such offence.

41.
Penalty for destroying or falsifying Register Books.

And be it Enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book or any part, or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such Register Book, or certified copy thereof, or shall wilfully insert, or cause to be inserted in any Register Book, or certified copy thereof, any false Entry of any Birth, Death or Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

42.
Accidental Errors may be corrected.

Provided always, and be it Enacted, That no Person charged with the duty of registering any Birth, Death or Marriage, who shall discover any error to have been committed in the form or substance of any such Entry, shall be therefore liable to any of the penalties aforesaid, if within One calendar Month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the Parties married, or of two Persons attending upon any Person in his or her last illness, whose Death may have been so registered, or in case of the death or absence of the respective Parties aforesaid, then in the presence of the Superintendent Registrar, and of two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, That in the case of a Marriage Register, he shall make the like marginal entry, attested in like manner, in the duplicate Marriage Register Book to be made by him as aforesaid; and in every case shall make the like alteration in the certified copy of the Register Book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

43. Recovery of Penalties.

And be it Enacted, That all Fines and Forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two Justices of the Peace for the county, city or place where the offence shall have happened, upon the information or complaint of any Person; and if on the conviction of the Offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such Justices are hereby empowered to administer) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the Offender, by Warrant under the hand and seal of such Justices; and for want of distress such Justices may commit every such Offender to the Common Gaol or House of Correction for the county, city or place where the Offender shall be committed, without bail or mainprize, for any term not exceeding One calendar Month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the Person who shall inform and sue or prosecute for the same, and the other moiety shall go to the Registrar General, or to such other Person as the Lords Commissioners of the Treasury shall appoint for the use of His Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction or warrant of distress, or on account of any irregularity which shall be afterwards committed by the Party distraining; but the Person or Persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

44. Appeal.

And be it Enacted, That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed Five Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than Twelve Days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen: Provided, That such Person shall give to the Complainant a Notice in writing of such Appeal, and of the cause and matter thereof, within Three Days after such conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the matter of the Appeal, and shall make such order therein, with or without costs to either Party, as to the Court shall seem meet; and in case of the dismissal of the Appeal or the affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

45.
No Certiorari.

And be it Enacted, That no such Conviction or Adjudication made on Appeal therefrom shall be quashed for want of form, or be removed by *Certiorari* or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid conviction to sustain the same.

46.
Clause (E.)
Correspondence of Registrar General relating to this Act to be free of Postage.

And be it Enacted, That the Registrar General may receive and send by the General Post from and to places in *England*, all Letters and Packets relating exclusively to the execution of this Act free from the duty of Postage, provided that such Letters and Packets as shall be sent to the Registrar General be directed to the "Registrar General of Births, Deaths and Marriages," at his Office, and that all such Letters and Packets as shall be sent by the Registrar General shall be in covers, with the words "Registrar General of Births, Deaths and Marriages, printed on the same, and be sealed with the seal of the said Register Office, and be signed on the outside thereof under such words with the Name of such Person as the said Registrar General, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them, shall appoint, in his own hand-writing (such name to be from time to time sent to the Secretary ofthe General Post Office in *London*), and under such other regulations as the said Lords Commissioners, or any Three or more of them, shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the Person so to be appointed, or any other Person, shall send, or cause to be sent, under any such cover, any Letter, Paper or Writing, or any inclosure other than shall relate exclusively to the execution of this Act, every Person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office, one moiety of such Penalty to be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the Person who shall inform or sue for the same; to be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

47.
Schedules may be amended by the advice of the Lords of the Privy Council.

And be it Enacted, That it shall be lawful for His Majesty, His heirs and successors, by the advice of His and their Privy Council, from time to time to direct such alterations and additions in and to the said Schedules as to Him and Them shall seem fit; and the Schedules so altered shall thenceforward, or from such future time as His Majesty, His heirs and successors shall so direct, be used instead of the Schedules respectively to this Act annexed, and shall be of the like effect as if the said Schedules had been originally annexed to this Act in such altered form.

48.
Registers of Baptisms and Burials may be kept as heretofore.

Provided always, and be it Enacted, That nothing herein contained shall affect the Registration of Baptisms or Burials as now by law established, or the right of any officiating Minister to receive the Fees now usually paid for the performance or registration of any Baptism, Burial or Marriage.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

1836.—Births in the *Dstrict* of *Mary-le-bone, North,* in the County of *Middlesex.*

N°	When Born.	Name.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name, if different.
1	*7th Jan.*	*James.*	*Boy.*	*William Green.*	*Rebecca Jennings.*	*Carpenter.*	*William Green, Father, Carpenter, 17, North-street, Mary-le-bone.*	*9 January.*	*John Cox, Registrar.*	*Thomas.*

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (B.)

1836.—Deaths in the *District* of *Mary-le-bone, North,* in the County of *Middlesex.*

N°	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.
17	*4 February.*	*William Green.*	*Male.*	*43*	*Carpenter.*	*Rebecca Green, Widow, 17, North-street, Mary-le-bone.*	*5 February.*	*John Cox, Registrar.*

[The Words and Figures in *Italics* in this Schedule to be filled in according as the case may be.]

SCHEDULE (C.)

1836.—MARRIAGES solemnized at *the Parish Church*, in the *Parish* of *Marylebone*, in the County of *Middlesex*.

Nº	When Married.	Name and Surname.	Age.	Rank or Description.	Residence at the time of Marriage.	Father's Name and Surname.
1	*17 March 1836.*	*William Hastings*	*29*	*Upholsterer* -	*3, South-street* -	*Peter Hastings.*
		Sophia Anne Mitchell.	*22*	*Spinster* - -	*17, High-street*	*Geoffry Mitchell.*

Married in the *Parish Church*, according to the usage of the *Established Church, by license, by me, with consent of Parents* and *Guardians*. *James Hollingshead, Vicar.*

This Marriage was solemnized between us, { *William Hastings* - / *Sophia Anne Mitchell* } in the presence of us { *John Hastings.* / *Geoffry Mitchell.* }

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (D.)

I, *John Cox*, Registrar of Births and Deaths in the *District* of *Mary-le-bone North*, in the County of *Middlesex*, Do hereby certify, That this is a true Copy of the Registrar's Book of Births [or Deaths], within the said *District*, from the entry of the Birth [or Death] of *James Green*, No. *1*, to the entry of the Birth [or Death] of *William Strange*, No. *34*.

Witness my hand, this *Seventh* day of *March 1838*.

John Cox, Registrar.

SCHEDULE (E.)

I, *John Cox*, Registrar of Births and Deaths in the *District* of *Mary-le-bone North*, in the County of *Middlesex*, Do hereby certify, That the Death of *Henry Hastings* was duly registered by me on the *Seventh* day of *March 1836*.

Witness my hand, this *Eighth* day of *March 1836*.

John Cox, Registrar.

SCHEDULE (F.)

I, *James Smith*, Coroner for the *County* of *Dorset*, Do hereby Order the Burial of the Body now shown to the Inquest Jury as the Body of *John Jones*.

Witness my hand, this *Eighth* day of *March 1836*.

James Smith, Coroner.

SCHEDULE (G.)

I, *Gilbert Elliot*, *Vicar* of *Barming*, in the County of *Kent*, Do hereby certify, That I have this day baptized by the name of *Thomas*, a *Male* Child, produced to me by *William Green*, as the *Son* of *William Green* and *Rebecca Green*, and declared by the said *William Green* to have been born at *Marylebone*, in the County of *Middlesex*, on the *Seventh* day of *January 1836*.

Witness my hand, this *First* day of *December 1838*.

Gilbert Elliot, Vicar.

[The words and figures in *Italics* in the above Schedules to be filled in as the case may be.]

Registration of Births, &c.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For Registering Births, Deaths and Marriages
in *England.*

(Prepared and brought in by
(Lord John Russell, Mr. Chancellor of the
Exchequer and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
18 *April* 1836.

194.

21 *June* 1836.—6 Will. IV.

A

BILL

[AS AMENDED ON THE REPORT]

For Registering Births, Deaths and Marriages in *England.*

[N. B.—*The Clauses marked* (A.) *to* (E.) *were added by the Committee, and the Clause marked* (F.) *was added on the Re-commitment.*]

Preamble.

WHEREAS it is expedient to provide the means for a complete Register of the Births, Deaths and Marriages of His Majesty's Subjects in *England:*

And whereas an Act passed in the fifty-second year of the reign of his late Majesty King George the Third, intituled, "An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages and Burials in *England,*" and also an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for amending the Laws respecting the Solemnization of Marriages in *England,*" are insufficient for the purpose aforesaid;

1. So much of 52 Geo. 3. c. 146, and 4 Geo. 4. c. 76, as relates to Registration of Marriages, Repealed.

BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven, so much of the said Acts as relates to the Registration of Marriages shall be Repealed.

2. General Registry Office to be provided in London or Westminster.

And be it Enacted, That it shall be lawful for His Majesty to provide a proper Office in *London* or *Westminster*, to be called "The General Register Office," for keeping a Register of all Births, Deaths and Marriages of His Majesty's Subjects in *England*, and to appoint for the said Office, under the Great Seal of the United Kingdom, a Registrar General of Births, Deaths and Marriages in *England*, and from time to time at pleasure to remove the said Registrar General, and appoint some other Person in his room.

3.
Clause (A.) Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, to appoint Officers, and fix Salary.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, or the Registrar General, subject to the approval of the said Lords Commissioners, shall appoint from time to time such Officers, Clerks and Servants as they shall deem necessary to carry on the business of the General Registry Office, and at pleasure remove them, or any of them; and the said Lord Treasurer or Lords Commissioners shall fix the Salary of the Registrar General, so that the same shall not at any time exceed the sum of One thousand Pounds yearly, and shall fix the Salaries of the Officers, Clerks and Servants in fit proportion, according to the duties they may have to perform.

4.
Clause (F.) Salaries to be paid out of the Consolidated Fund.

And be it Enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks and Servants, and the amount of the sums hereinafter provided to be paid to the Superintendent Registrars for every Entry in the certified Copies of the Registers, and all expenses of carrying on the business of the General Registry Office, not herein otherwise provided for, shall be paid by the said Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

5.
Regulations for conduct of Officers, to be framed under direction of Secretary of State.

And be it Enacted, That one of His Majesty's Principal Secretaries of State, or the Registrar General, with the approbation of such Principal Secretary, from time to time may make regulations for the management of the said Register Office, and for the duties of the Registrar General, Clerks, Officers and Servants of the said Office, and of the Registrars, Deputy Registrars and Superintendent Registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers and Servants, and on the Registrars, Deputy Registrars and Superintendent Registrars.

6.
Annual Abstract of Registers to be laid before Parliament.

And be it Enacted, That the Registrar General shall send once in every year to one of the Principal Secretaries of State a General Abstract of the numbers of Births, Deaths and Marriages registered during the foregoing year, in such form as the said Secretary from time to time shall require; and every such annual General Abstract shall be laid before Parliament within One Month after receipt thereof, or after the meeting of Parliament.

7.
Registrars and Superintendent Registrars to be appointed.

And be it Enacted, That the Guardians of every Union, declared under the provisions of an Act passed in the fifth and sixth year of His present Majesty, intituled, " An Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*," and also of every parish or Place in which a Board of Guardians shall have been established under the provisions of the last-named Act, shall, on or before the First day of October in this year, if the said Board of Guardians shall have been established before the passing of this Act, or within Three calendar Months next after the establishment of the Board, if the said Board shall not have been established before the passing of this Act, divide the Union, or the Parish or Place of which they are the Guardians, into such and so many Districts as they, subject to the approval of the Registrar General, shall think fit; and every such Division when made, shall be published by the Guardians within the Union, Parish or Place of which they are Guardians, in such manner as the said Registrar General shall direct; and every such District shall be called by a distinct name, and shall be a Registrar's District; and the Guardians, subject to the approval of the Registrar General, shall appoint a person properly qualified to be Registrar of each district, and in every case of vacancy in the office of Registrar, shall forthwith fill up the vacancy, subject to the like approval; and the Registrar General shall appoint, subject to the approval of One of His Majesty's Principal Secretaries of State, a person properly qualified to be the Superintendent Registrar of each Union, or of such Parish or Place, and in every case of vacancy of the Office of Superintendent Registrar, the Registrar General shall forthwith fill up the vacancy, with the like approval as aforesaid; and every Registrar and Superintendent Registrar shall hold his office during the pleasure of the Registrar General.

8.
Register Offices to be provided in each Union.

And be it Enacted, That the Guardians shall provide and uphold out of the monies coming to their hands or control as such Guardians, a Register Office, according to a plan to be approved by the Registrar General, for preserving the Registers to be deposited therein, as hereinafter provided; and the care of the said Office, and the custody of the Registers deposited therein, shall be given to the Superintendent Registrar of the Union, or Parish or Place having a Board of Guardians as aforesaid.

9.
Temporary Registrars and Superintendent Registrars to be appointed for Parishes not under the Poor Law Act.

And be it Enacted, That the Poor Law Commissioners for *England* and *Wales* shall, as soon as may be after the said First day of October, form all the Parishes, Townships and Places in *England*, in or for which a Board of Guardians shall not have been then established under the provisions of the said Act for the Amendment of the Laws relating to the Poor, into temporary Districts, having regard in the formation thereof to the boundaries of Parishes and Townships, and shall appoint a Registrar to each of such temporary Districts, subject to being displaced as hereinafter provided; and the Registrar General, subject to the approval of the said Secretary of State, shall appoint a sufficient number of fit Persons to be Superintendent Registrars for such temporary Districts, subject to being displaced as hereinafter provided, and shall appoint the Districts which each shall superintend.

10.
In case of subsequent Unions, pre-

And be it Enacted, That in every case in which a Board of Guardians shall be established under the provisions of the said Act for the vious Appointments to be vacated.

amendment of the Laws relating to the Poor, in or for any parish, township or place forming part of any temporary District in or for which a Registrar or Superintendent Registrar shall have been previously appointed as last aforesaid, and as soon as the Registrar General shall have approved the appointment of a Registrar or Registrars, for the districts into which the Guardians shall have divided the Union, or Parish or Place of which they are Guardians as aforesaid, and the Registrar General, with the approval of the Secretary of State, shall have appointed a Superintendent Registrar for such Districts, in like manner as in the Unions formed before the passing of this Act, every such Parish or Place shall cease to be a part of the temporary district to which it was so annexed by the Poor Law Commissioners, and every Registrar, Deputy Registrar and Superintendent Registrar appointed before the election of such Board of Guardians as aforesaid, in or for such parish, township or place, shall cease to hold their respective offices so far as relates to such parish, township or place, unless re-appointed.

11.
Deputy Registrars to be appointed.

And be it Enacted, That for every district for which a Registrar shall be appointed, the Registrar shall have power, subject to the approval of the Registrar General, to appoint, by writing under his hand, a fit person to act as his Deputy, in case of the illness or unavoidable absence of such Registrar; and every such Deputy Registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning Registrars, and in case of the death of the Registrar, shall act as Registrar until another Registrar is appointed, and every Registrar shall be civilly responsible for the acts or omissions of his Deputy.

12.
Appointments to be exempt from Stamp Duties.

And be it Enacted, That the Appointments of Registrars, Deputy Registrars and Superintendent Registrars, and the duplicates and certified copies of Registers hereinafter mentioned, shall be exempt from all Stamp Duties.

13.
Clause (B.)
Register Boxes to be provided.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of strong iron boxes to hold the Register Books, to be kept by such Registrar, and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the Registrar, and the other key shall be kept by the Superintendent Registrar; and the Register Books of each district, while in the custody of the Registrar, and not in use, shall be always kept in the register box, and the register box shall always be kept locked.

14.
All Books, &c. to be transferred on removal of Registrar.

And be it Enacted, That in every case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said office, all Register Boxes, Keys, Books, Documents and Papers in his possession as such Registrar or Superintendent Registrar shall be given as soon as conveniently may be to his successor in office; and if any Person shall refuse to give up any such Box, Key, Books, Documents or Papers in such case as aforesaid, it shall be lawful for any Justice of the Peace for the county or other jurisdiction where such Person shall be or reside, upon application made for that purpose, to issue a Warrant under his hand and seal for bringing such Person before any Two Justices of the Peace for the said county or other jurisdiction; and upon such Person appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way, and if it shall appear to the Justices that any such Box, Key, Books, Documents or Papers are in the custody or power of any such Person, and that he has refused or wilfully neglected to deliver the same, the said Justices are hereby required to commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the Person in whose custody the same onght to be; and the said Justices may grant a warrant to search for such Box, Key, Books, Documents or Papers, in the case of stolen goods in any dwelling-house or other premises in which any credible witnesses shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the Person in whose custody they ought to be.

15.
Registrar's Name and Place of Abode to be put on the Door of his House, &c.

And be it Enacted, That every Registrar and Deputy Registrar shall dwell within the District of which he is Registrar or Deputy Registrar, and shall cause his name, with the addition of Registrar or Deputy Registrar (as the case may be) for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house, and the Superintendent Registrar shall cause to be printed and published in the districts which he shall superintend a list of the name and place of abode of every Registrar and Deputy Registrar under his superintendence.

16.
Register Books to be provided.

And be it Enacted, That the Registrar General shall cause to be printed, on account of the said Register Office, a sufficient number of Register Books, for making entries of all Births, Deaths and Marriages of His Majesty's Subjects in *England*, according to the forms of Schedules (A.), (B.), (C.), to this Act annexed; and the said Register Books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of Births, Deaths and Marriages respectively; and every page of each of such Books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the Book, beginning with number one;

and

and every entry shall be divided from the following entry by a printed line.

17.
Registrars to register Births and Deaths.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of Register Books of Births, and of Register Books of Deaths, and of Forms for certified Copies thereof, as hereinafter provided, at a reasonable price to be fixed from time to time by one of His Majesty's Principal Secretaries of State, the cost whereof shall be borne by the union, parish or place in or for which the Superintendent Registrar is appointed, and shall be paid by the Guardians or by the Churchwardens and Overseers (as the case may be) out of the monies coming to their hands or control as such Guardians or Churchwardens and Overseers to the Registrar, and shall be accounted for by him to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every Birth and every Death which shall happen within his District after the said First day of March, and to learn and register as soon after the event as conveniently may be done, without fee or reward, save as hereinafter mentioned, in one of the said Books, the particulars required to be registered according to the Forms in the said Schedules (A.) and (B.) respectively, touching every such Birth or every such Death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the Book.

18.
Occupiers of Houses in which Birth or Death happens, and in cases of Foundlings or exposed dead bodies, Overseers and Coroners required to give notice to the Registrar.

And be it Enacted, That the Occupier of every house or tenement in *England* in which any Birth or Death shall happen, after the said First day of March, shall within Eight Days next after the day of such Birth, or within Three Days after the day of such Death respectively, give Notice of such Birth or Death to the Registrar of the District; and in case any new-born child or any dead body shall be found exposed, the Overseers of the Poor in the case of the new-born child, and the Coroner, in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar; and every person herein required who shall refuse or without reasonable cause neglect to give such Notice as aforesaid, shall forfeit for every such offence a sum not exceeding Twenty Shillings; and for the purposes of this Act the Master or Keeper of every Gaol, Prison or House of Correction, or Workhouse, Hospital or Lunatic Asylum, or Public or Charitable Institution, shall be deemed the occupier thereof.

19.
Parent or Occupier of House, required to give particulars of Birth, so far as known.

And be it Enacted, That the Father or Mother of every Child born in *England* after the said First day of March, or in case of the death, illness, absence or inability of the Father and Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall within Fifteen Days next after the day of every such Birth, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the Birth of such Child: Provided always, That it shall not be necessary to register the name of any Father of a Bastard Child.

20.
Children born at Sea may be registered.

And be it Enacted, That if any Child of an *English* Parent shall be born at Sea on board of a *British* Vessel, the Father or Mother, or some person present at the Birth of such Child, or in default thereof the Surgeon or Captain or Commanding Officer of the Vessel on board of which the said Child shall have been born, shall forthwith make a Minute of the several particulars hereinbefore required to be inserted in the Register touching the Birth of such Child, so far as the same may be known, and the name of the Vessel wherein the Birth took place; and shall, on the arrival of such Vessel in any Port of the United Kingdom, or by any other sooner opportunity, send a Certificate of the said Minute through the Post Office to the Registrar General; who shall file the same, and enter a Copy thereof under his hand in a Book to be kept for that purpose in the General Register Office, to be called the "Marine Register Book," and shall keep the said Book with the other Registers, according to the provisions of this Act.

21.
Births, after Fifteen days, to be registered before the Superintendent Registrar.

And be it Enacted, That after the expiration of Fifteen Days following the day of the Birth of any Child, it shall not be lawful for any Registrar to register such Birth, save as hereinafter is next mentioned: Provided, That in case the Birth of any Child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any Person present at the Birth of such Child, at any time within Six calendar Months next after the Birth, on production of the Child before the Registrar and Superintendent Registrar of the District in which the Birth shall have happened, to make a solemn declaration of the particulars required to be known, touching the Birth of such Child, according to the best of his or her knowledge and belief; and it shall thereupon be lawful for the said Registrar then and there, in the presence of the Superintendent Registrar, to register the Birth of the said Child, according to the information of the Person making the said declaration; and in every such case the Superintendent Registrar before whom the said declaration is made, shall sign the entry of the Birth as well as the Registrar; and for every such Registry as last aforesaid, the Superintendent Registrar shall be entitled to have a fee of Two Shillings and Sixpence from the Person requiring the same to be registered; and the Registrar, over and above the fee hereinafter enacted in respect of every Birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of Five Shillings from the Person requiring the same to be registered; and no Register of Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that Fifteen Days have intervened between the day of the Birth and the day of the Registration of the Birth of such Child, unless the entry shall be signed by the Superintendent Registrar; and every Person who shall knowingly register, or cause to be registered the Birth of any Child, otherwise than hereinbefore is last mentioned, after the expiration of Fifteen Days following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

22.
Births not to be registered after Six Months.

And be it Enacted, That after the expiration of Six calendar Months following the day of the Birth of any Child, it shall not be lawful for any Registrar to register the Birth of such Child, and no Register of Births (except in the case of Children born at sea) shall be given in evidence to prove the Birth of any Child, wherein it shall appear that Six calendar Months have intervened between the day of the Birth and the day of the Registration of the Birth of such Child; and every Person who shall knowingly register, or cause to be registered, the Birth of any Child, after the expiration of Six calendar Months following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

23.
Baptismal Name, if different from that in Register, may be added.

And be it Enacted, That if any Child born in *England*, whose Birth shall have been registered as aforesaid, shall within Six calendar Months next after it shall have been so reistered, have any Name subsequently given to it in Baptism, by which it shall not have been so registered, the parent or guardian of such child, or other Person procuring such unregistered Name to be given, is hereby required within Seven Days next after such Baptism, to procure and deliver to the Registrar or Superintendent Registrar in whose custody the register of the Birth of the child may then happen to be, a Certificate, according to the Form of Schedule (G.) to this Act annexed, signed by the Minister who shall have performed the rite of Baptism, which Certificate such Minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of One Shilling, which he shall be therefore entitled to receive, and the said Registrar or Superintendent Registrar, upon receipt of such Certificate, and on payment of the fee of One Shilling, which he shall be therefore entitled to receive, shall without any erasure of the original Entry forthwith register therein that the child was baptized by such name; and the Registrar shall thereupon certify upon the said Certificate the additional Entry so made, and shall forthwith send the said Certificate through the Post-office to the Registrar General; and every Person who shall knowingly cause or procure any Name to be given in baptism to any registered child by which it shall not have been registered, and who shall not within Seven Days as aforesaid procure and deliver such Certificate, shall forfeit and pay a sum not exceeding Five Pounds for every such offence, and no such Baptismal Name shall be registered in the said Register after the expiration of Six calendar Months after the registration of the birth of the child.

24.
Next of Kin or other Person present at death, or Occupier of House, required to give particulars of death, so far as known.

And be it Enacted, That the Husband or Wife, or person nearest of kin, or some Person present at the death, or in attendance during the last illness, of every Person dying in *England* after the said First day of March, or in case of the death, illness, inability or default of all such Persons, the Occupier of the House or Tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within Eight Days next after the day of such death, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such Person: Provided always, That in every case in which an Inquest shall be held on any dead Body, the Jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the Jury, and the Registrar shall make the entry accordingly.

Registrar to make entry of finding of Jury upon Coroners' Inquests.

25.
Persons dying at Sea may be registered.

And be it Enacted, That if any of His Majesty's *English* Subjects shall die at Sea on board of a British Vessel, the Surgeon, or in default thereof the Captain or Commanding Officer of the Vessel on board of which such death shall have happened, shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the Register touching such death, so far as the same may be known, and the name of the Vessel wherein the death took place, and shall on the arrival of such Vessel in any port of the United Kingdom, or by any other sooner opportunity, send a Certificate of the said minute through the Post-office to the Registrar-General, who shall file the same, and enter a copy thereof under his hand in the Marine Register Book, and keep the same, with the other Registers, according to the provisions of this Act.

26.
No dead body to be buried without Certificate of Registry or of Inquest.

And be it Enacted, That every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the Undertaker or other person having charge of the Funeral, a Certificate under his hand, according to the Form of Schedule (E.) to this Act annexed, that such Death has been duly registered, and such Certificate shall be delivered by such Undertaker or other person to the Minister or officiating Person who shall be required to bury or to perform any religious service for the burial of the dead body, and no dead body shall be buried until such

Certificate shall have been so delivered: Provided always, That the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death; and shall in such case give a Certificate of his order in writing under his hand, according to the Form of Schedule (F.) to this Act annexed, to such Undertaker or other person having charge of the Funeral, which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or any religious service for the burial of any dead body, until a Certificate shall have been duly made and delivered as aforesaid, either by the Registrar or Coroner, shall forfeit and pay any sum not exceeding Ten Pounds for every such offence.

27.
Register to be signed by the Informant.

And be it Enacted, That every Person by whom the information contained in any Register of Birth or Death under this Act shall have been given shall sign his name, description and place of abode in the Register, and no Register of Birth or Death according to this Act shall be given in evidence, which shall not be signed by some Person professing to be the Informant, and to be such party as is herein required to give such information to the Registrar.

28.
Registrars to be paid by the Overseers according to a Scale.

And be it Enacted, That every Registrar shall make out an Account Four times in every year of the number of Births and Deaths which he shall have registered since the last Quarterly Account, and the Superintendent Registrar shall verify and sign the same, and the Guardians or Overseers of the parish, township or place in or for which he shall be Registrar, on production of the said account so verified and signed, shall pay to the said Registrar, out of the monies in their hands or power as such Guardians or Overseers, such sums as he shall be entitled to receive on the said account, according to the following scale; (that is to say) for the first Twenty Entries of Births and Deaths in every year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, Two Shillings and Sixpence each; and One Shilling for every subsequent Entry of Births or Deaths in each year; and in the case of an Union, the said several sums shall be charged to the account of the Parishes in which such Births or Deaths respectively shall have occurred.

29.
Marriage Register Books to be provided.

And be it Enacted, That the Registrar-General shall furnish or cause to be furnished to the Rector, Vicar or Curate of every Church and Chapel in *England* wherein Marriages may lawfully be solemnized, and also to every Person whom the Recording Clerk of the Society of Friends, commonly called Quakers, at their central Office in *London*, shall from time to time certify in writing under his hand to the Registrar-General to be a Registering Officer in *England* of the said Society, and also to every Person whom the President for the time being of the *London* Committee of Deputies of the *British* Jews shall from time to time certify in writing under his hand to the Registrar-General to be the Secretary of a Synagogue in *England* of Persons professing the Jewish Religion, a sufficient number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof as hereinafter provided; and the costs of all such Books and Forms shall be paid by the Churchwardens and Overseers of the parish or chapelry out of the Monies in their hands as such Churchwardens and Overseers, or by the Registering Officer or Secretary respectively to whom the same shall be furnished.

30.
Marriage Registers to be kept in duplicate.

And be it Enacted, That every Clergyman of the Church of *England*, immediately after every office of Matrimony solemnized by him, shall register in duplicate in two of the Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer of the Quakers, as soon as conveniently may be after the solemnization of any Marriage between two Quakers, in the district for which he is Registering Officer, and every such Secretary of a Synagogue immediately after every Marriage solemnized by him, or by any other Officer of the Synagogue whereof he is Secretary, between any two Persons professing the Jewish Religion, shall register or cause to be registered in duplicate in two of the said Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said Society, or of the Persons professing the Jewish Religion, as the case may be; and every such Entry as hereinbefore is mentioned (whether made by such Clergyman or by such Registering Officer or Secretary respectively as aforesaid) shall be signed by the Clergyman, or by the said Registering Officer or Secretary, as the case may be; and by the Parties married, and by Two Witnesses, and shall be made in order from the beginning to the end of each Book, and the number of the place of Entry in each duplicate Marriage Register Book shall be the same.

31.
Certified copies of Registers of Births and Deaths to be sent quarterly, and Register Books when filled, to the Superintendent Registrar.

And be it Enacted, That in the months of April, July, October and January, on such days as shall from time to time be appointed by the Registrar General, every Registrar shall make and deliver to the Superintendent Registrar of his District, on durable materials, a true Copy, certified by him under his hand, according to the Form of Schedule (D.) to this Act annexed, of all the entries of Births and Deaths in the Register Book kept by him since the last certificate, the first of such certificates to be given in the month of July in the year One thousand eight hundred and Thirty-seven, and to contain all the entries made up to that time; and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same, under his hand, to be a true copy; and if there shall have been no Birth or Death registered since the delivery of the last certificate, the Registrar shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said Register Books until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his office.

32. Duplicates and certified Copies of Registers of Marriages to be sent to Superintendent Registrar.

And be it Enacted, That the Rector, Vicar or Curate of every such Church and Chapel, and every such Registering Officer and Secretary shall, in the months of April, July, October and January respectively, make and deliver to the Superintendent Registrar of the district in which such Church or Chapel, or the house of the Registering Officer or Secretary respectively may be situated, on durable materials, a true copy, certified by him, under his hand, of all the Entries of Marriages in the Register Book kept by him since the last Certificate; the first of such Certificates to be given in the month of July One thousand eight hundred and Thirty-seven, and to contain all the entries made up to that time, and if there shall have been no Marriage entered therein since the last Certificate, shall certify the fact under his hand, and shall keep the said Marriage Register Books safely until the same shall be filled; and one copy of every such Register Book, when filled, shall be delivered to the Superintendent Registrar of the District in which such Church or Chapel, or House of the Registering Officer or Secretary may be situated, and the other copy of every such Register Book kept by any such Rector, Vicar or Curate, shall remain in the keeping of such Rector, Vicar or Curate, and shall be kept by him with the Registers of Baptisms and Burials of the Parish or Chapelry within which the Marriages registered therein shall have been solemnized; and the other copy of every such Register Book of Marriages among the People called Quakers, and among Persons professing the Jewish Religion respectively, shall remain under the care of the said People or Persons respectively, to be kept with their other Registers and Records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the Registering Officer for the district for the time being of the said People, or of the Secretary for the time being of the Synagogue by an officer of which such Marriages shall have been solemnized.

33. Superintendent Registrars to send certified copies of Registers to the General Register Office.

And be it Enacted, That every Superintendent Registrar shall Four times in every year, on such days as shall be therefore named by the Registrar General, send to the Registrar General all the certified copies of the Registers of Births, Deaths and Marriages which he shall have so received during the Three calendar Months next preceding such Quarterly days of transmission respectively; and if it shall appear by interruption of the regular progression of numbers or otherwise, that the copy of any part of any Book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and every such Superintendent Registrar shall be entitled to receive the sum of Two-pence for every Entry in such certified Copies; and every Superintendent Registrar shall make out an Account Four times in every year, of the number of Entries in the certified Copies sent to him during the last quarter; and the certified Copies so sent to the General Registry Office shall be thereafter kept in the said Office, in such order and manner as the Registrar General, under the direction of the Secretary of State, shall think fit, so that the same may be most readily seen and examined.

34.
Searches may be made, and Certificates given by the Persons keeping the Registers.

And be it Enacted, That every Rector, Vicar or Curate, and every Registrar, Registering Officer and Secretary who shall have the keeping, for the time being, of any Register Book of Births, Deaths or Marriages, shall, at all reasonable times, allow Searches to be made of any Register Book in his keeping, and shall give a Copy certified under his hand, of any Entry or Entries in the same, on payment of the fee hereinafter mentioned; (that is to say) for every Search, extending over a period not more than One Year, the sum of One Shilling, and Sixpence additional for every additional year, and the sum of Two Shillings and Sixpence for every single Certificate.

35.
CLAUSE (C.)
Searches may be made at the Superintendent Registrar's Office.

And be it Enacted, That every Superintendent Registrar shall cause Indexes of the Register Books in his Office to be made, and kept with the other Records of his Office, and that every Person shall be entitled at all reasonable hours to search the said Indexes, and to have a certified Copy of any Entry or Entries in the said Register Books under the hand of the Superintendent Registrar, on payment of the fees hereinafter mentioned; (that is to say) for every general Search the sum of Five Shillings, and for every particular Search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence.

36.
Indexes to be kept, Searches allowed, and Certificates given.

And be it Enacted, That the Registrar General shall cause Indexes of all the said certified Copies of the Registers to be made and kept in the General Register Office; and that every Person shall be entitled on payment of the fees hereinafter mentioned to search the said Indexes, between the hours of Ten in the Morning and Four in the Afternoon of every day, except Sundays, Christmas-day and Good Friday, and to have a certified Copy of any Entry in the said certified copies of the Registers; and for every general search of the said Indexes shall be paid the sum of Twenty Shillings, and for every particular search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence, and no more shall be paid, to the Registrar

General, or such other Officer as shall be appointed for that purpose on his account.

37. Certificates of General Registry Office to be sealed.

And be it Enacted, That the Registrar General shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all certified Copies of Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office, shall be received as evidence of the Birth, Death or Marriage to which the same relates, without any further or other proof of such Entry; and no certified Copy purporting to be given in the said Office shall be of any force or effect which is not sealed or stamped as aforesaid.

38. CLAUSE (D.) Fees for Searches in the General Register Office to be accounted for to the Exchequer.

And be it Enacted, That every sum received under the provisions of this Act by or on account of the Registrar General, shall be accounted for and paid by the Registrar General at such times as the Lords Commissioners of the Treasury from time to time shall direct, into the Bank of *England* to the credit of His Majesty's Exchequer, according to the provisions of an Act passed in the fourth and fifth years of His Majesty, intituled, "An Act to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*."

39. Penalty on Parties being married refusing to answer questions.

And be it Enacted, That it shall be lawful for every Clergyman of the Church of *England* who shall solemnize any Marriage in *England*, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said First day of March, to ask of the Parties married the several particulars herein required to be registered touching such Marriage; and every Person who shall refuse, or without reasonable cause neglect to answer, according to the best of his or her knowledge and belief, shall forfeit and pay a sum not more than Fifty Pounds for every such offence.

40. Penalty for wilfully giving false information.

And be it Enacted, That every Person who shall wilfully make or cause to be made for the purpose of being inserted in any Register of Birth, Death or Marriage, any false statement touching any of the particulars herein required to be known and registered, shall be deemed guilty of Perjury, and punished accordingly.

41. Penalty for not duly registering Births, Deaths and Marriages, or for losing or injuring Registers.

And be it Enacted, That every Person who shall refuse, or without reasonable cause omit, to register any Marriage solemnized by him, or which he ought to register; and every Registrar who shall refuse, or without reasonable cause, omit to register any Birth or Death, of which he shall have had due notice as aforesaid, and every Person having the custody of any Register Book or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding Fifty Pounds for every such offence.

42. Penalty for destroying or falsifying Register Books.

And be it Enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book or any part, or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such Register Book, or certified copy thereof, or shall wilfully insert, or cause to be inserted in any Register Book, or certified copy thereof, any false Entry of any Birth, Death or Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

43. Accidental Errors may be corrected.

Provided always, and be it Enacted, That no Person charged with the duty of registering any Birth, Death or Marriage, who shall discover any error to have been committed in the form or substance of any such Entry, shall be therefore liable to any of the penalties aforesaid, if within One calendar Month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the Parties married, or of two Persons attending upon any Person in his or her last illness, whose death may have been so registered, or in case of the death or absence of the respective Parties aforesaid, then in the presence of the Superintendent Registrar, and of two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, That in the case of a Marriage Register, he shall make the like marginal entry, attested in like manner, in the duplicate Marriage Register Book to be made by him as aforesaid; and in every case shall make the like alteration in the certified copy of the Register Book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

44. Recovery of Penalties.

And be it Enacted, That all Fines and Forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two Justices of the Peace for the county, city or place where the offence shall have happened, upon the information or complaint of any Person; and if on the conviction of the Offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such Justices are hereby empowered to administer) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the Offender, by Warrant under the hand and seal of such Justices; and for want of distress such

Justices may commit every such Offender to the Common Gaol or House of Correction for the county, city or place where the Offender shall be committed, without bail or mainprize, for any term not exceeding One calendar Month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the Person who shall inform and sue or prosecute for the same, and the other moiety shall go to the Registrar General, or to such other Person as the Lords Commissioners of the Treasury shall appoint for the use of His Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction or warrant of distress, or on account of any irregularity which shall be afterwards committed by the Party distraining; but the Person or Persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

45. Appeal.

And be it Enacted, That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed Five Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions, which shall be holden not sooner than Twelve Days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen: Provided, That such Person shall give to the Complainant a Notice in writing of such Appeal, and of the cause and matter thereof, within Three Days after such conviction, and Seven clear Days at the least before such Sessions and shall also either remain in custody until the Sessions, or enter into a recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the matter of the Appeal, and shall make such order therein, with or without costs to either Party, as to the Court shall seem meet; and in case of the dismissal of the Appeal or the affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue Process for enforcing such judgment.

46. No Certiorari.

And be it Enacted, That no such Conviction or Adjudication made on Appeal therefrom shall be quashed for want of form, or be removed by *Certiorari* or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid conviction to sustain the same.

47.
Clause (E.)
Correspondence of Registrar General relating to this Act to be free of Postage.

And be it Enacted, That the Registrar General may receive and send by the General Post from and to places in *England*, all Letters and Packets relating exclusively to the execution of this Act free from the duty of Postage, provided that such Letters and Packets as shall be sent to the Registrar General be directed to the "Registrar General of Births, Deaths and Marriages," at his Office, and that all such Letters and Packets as shall be sent by the Registrar General shall be in covers, with the words "Registrar General of Births, Deaths and Marriages," printed on the same, and be sealed with the seal of the said Register Office, and be signed on the outside thereof under such words with the Name of such Person, as the said Registrar General, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them, shall appoint, in his own hand-writing (such name to be from time to time sent to the Secretary of the General Post Office in *London*,) and under such other regulations as the said Lords Commissioners, or any Three or more of them, shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the Person so to be appointed, or any other Person shall send, or cause to be sent, under any such cover, any Letter, Paper or Writing, or any inclosure other than shall relate exclusively to the execution of this Act, every Person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office, one moiety of such Penalty to be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the Person who shall inform or sue for the same; to be sued for and recovered in any of His Majesty's Courts of Record in *Westminster*.

48.
Registers of Baptisms and Burials may be kept as heretofore.

Provided always, and be it Enacted, That nothing herein contained shall affect the Registration of Baptisms or Burials as now by law established, or the right of any officiating Minister to receive the Fees now usually paid for the performance or registration of any Baptism, Burial or Marriage.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

1836.—BIRTHS in the *District* of *Mary-le-bone, North,* in the County of *Middlesex.*

N°	When Born.	Name.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name, if different.
1	*7th Jan.*	*James.*	*Boy.*	*William Green.*	*Rebecca Green, formerly Jennings.*	*Carpenter.*	*William Green, Father, Carpenter, 17, North-street, Mary-le-bone.*	*9 January.*	*John Cox, Registrar.*	*Thomas.*

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (B.)

1836.—DEATHS in the *District* of *Mary-le-bone, North,* in the County of *Middlesex.*

N°	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.
17	*4 February.*	*William Green.*	*Male.*	*43*	*Carpenter.*	*Rebecca Green, Widow, 17, North-street, Mary-le-bone.*	*5 February.*	*John Cox, Registrar.*

[The Words and Figures in *Italics* in this Schedule to be filled in according as the case may be.]

SCHEDULE (C.)

1836.—MARRIAGES solemnized *at the Parish Church*, in the *Parish* of *Mary-le-bone*, in the County of *Middlesex*.

No.	When Married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	*17 March 1836.*	*William Hastings*	*29*	*Bachelor* -	*Carpenter*	*3, South-street* -	*Peter Hastings* -	*Upholsterer.*
		Sophia Anne Mitchell.	*22*	*Spinster* -	—	*17, High-street*	*Geoffry Mitchell*	*Butcher.*

Married in the *Parish Church*, according to the Rites and Ceremonies of the *Established Church*, *by license, by me*, with consent of *Parents* and *Guardians*. *James Hollingshead, Vicar.*

This Marriage was solemnized between us, *William Hastings* - *Sophia Anne Mitchell* in the presence of us *John Hastings. Geoffry Mitchell.*

The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.

SCHEDULE (D.)

I, *John Cox*, Registrar of Births and Deaths in the *District* of *Mary-le-bone North*, in the County of *Middlesex*, Do hereby certify, That this is a true Copy of the Registrar's Book of Births [or Deaths], within the said *District*, from the entry of the Birth [or Death] of *James Green*, No. *1*, to the entry of the Birth [or Death] of *William Strange*, No. *34*.

Witness my hand, this *Seventh* day of *March 1838*.

John Cox, Registrar.

SCHEDULE (E.)

I, *John Cox*, Registrar of Births and Deaths in the *District* of *Mary-le-bone North*, in the County of *Middlesex*, Do hereby certify, That the Death of *Henry Hastings* was duly registered by me on the *Seventh* day of *March 1836*.

Witness my hand, this *Eighth* day of *March 1836*.

John Cox, Registrar.

SCHEDULE (F.)

I, *James Smith*, Coroner for the *County* of *Dorset*, Do hereby Order the Burial of the Body now shown to the Inquest Jury as the Body of *John Jones*.

Witness my hand, this *Eighth* day of *March 1836*.

James Smith, Coroner.

SCHEDULE (G.)

I, *Gilbert Elliot*, *Vicar* of *Barming*, in the County of *Kent*, Do hereby certify, That I have this day baptized by the name of *Thomas*, a *Male* Child, produced to me by *William Green*, as the *Son* of *William Green* and *Rebecca Green*, and declared by the said *William Green* to have been born at *Mary-le-bone*, in the County of *Middlesex*, on the *Seventh* day of *January 1836*.

Witness my hand, this *First* day of *December 1838*.

Gilbert Elliot, Vicar.

[The words and figures in *Italics* in the above Schedules to be filled in as the case may be.]

Registration of Births, &c.

A

BILL

[AS AMENDED ON THE REPORT]

For Registering Births, Deaths and Marriages
in *England*.

(*Prepared and brought in by*
Lord John Russell, Mr. Chancellor of the
Exchequer and Mr. Attorney General.)

Ordered, by The House of Commons, *to be* Printed,
21 *June* 1836.

351.

be sent to the Registrar General be directed to the "Registrar General of Births, Deaths and Marriages," at his Office, and that all such Letters and Packets as shall be sent by the Registrar General shall be in covers, with the words "Registrar General of Births, Deaths and Marriages," printed on the same, and be sealed with the seal of the said Register Office, and be signed on the outside thereof under such words with the Name of such Person, as the said Registrar General, with the consent of the Lords Commissioners of the Treasury, or any Three or more of them, shall appoint, in his own hand-writing (such name to be from time to time sent to the Secretary of the General Post Office in London,) and under such other regulations as the said Lords Commissioners, or any Three or more of them, shall think fit; and if the Person so to be appointed shall subscribe or seal any Letter or Packet whatever, except such only concerning which he shall receive the special direction of his superior Officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the Person so to be appointed, or any other Person shall send, or cause to be sent, under any such cover, any Letter, Paper or Writing, or any inclosure other than shall relate exclusively to the execution of this Act, every Person so offending shall forfeit and pay the sum of One hundred Pounds, and be dismissed from his office, one moiety of such Penalty to be paid to the use of His Majesty, His heirs and successors, and the other moiety to the use of the Person who shall inform or sue for the same; to be sued for and recovered in any of His Majesty's Courts of Record in Westminster.

XLIX.
Registers of Baptisms and Burials may be kept as heretofore.

Provided always, and be it Enacted, That nothing herein contained shall affect the Registration of Baptisms or Burials as now by law established, or the right of any officiating Minister to receive the Fees now usually paid for the performance or registration of any Baptism, Burial or Marriage.

L.

And be it further Enacted, That the said Registrar General shall, within Three calendar Months after his appointment to such office, furnish to the respective Guardians of every Union, Parish or place printed Notices, which the said Guardians shall, as soon as conveniently may be after the receipt thereof, cause to be fixed or placed on the outside of the several Church and Chapel doors, or other public and conspicuous buildings or places within their respective Unions, Parishes or places; and which said Notices shall specify the several acts required to be done by persons who may be desirous of solemnizing Marriage, or of registering the Birth of any Child or the Death of any person under the provisions of this Act.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

18[36].—Births in the [District] of [Mary-le-bone, North,] in the County of [Middlesex].

N°	When Born.	Name, *if any.*	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name, if (1) *added after Registration of Birth.*
[1]	[7th Jan.]	[James.]	[Boy.]	[William Green.]	[Rebecca Green, formerly Jennings.]	[Carpenter.]	[William Green, Father, Carpenter, 17, North Street, Mary-le-bone.	[9 January.]	[John Cox, Registrar.]	(2)

(1) different. (2) Thomas.

The Words and Figures within [ ] in this Schedule to be filled in as the case may be.

SCHEDULE (B.)

18[36].—Deaths in the [District] of [Mary-le-bone, North,] in the County of [Middlesex].

N°	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	*Cause of Death.*	Signature, Description and Residence of Informant.	When Registered.	Signature of Registrar.
[17]	[4 February.]	[William Green.]	[Male.]	[43]	[Carpenter.]		[Rebecca Green, Widow, 17, North Street, Mary-le-bone.]	[5 February.]	[John Cox, Registrar.]

The Words and Figures within [ ] in this Schedule to be filled in according as the case may be.

SCHEDULE (C.)

18[36.]—Marriages solemnized at the Parish Church, in the Parish of Mary-le-bone, in the County of Middlesex.

When Married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
[17 March 1836.]	[William Hastings.]	(1) *of full age.*	[Bachelor.]	[Carpenter.]	[3, South Street.]	[Peter Hastings.]	[Upholsterer.]
	[Sophia Anne Mitchell.]	(2) *minor.*	[Spinster.]	—	[17, High Street.]	[Geoffry Mitchell.]	[Butcher.]

Married in the [Parish Church,] according to the Rites and Ceremonies of the [Established Church, by License,] *or after Banns*, by me, (3) [James Hollingshead, Vicar.]

This Marriage was solemnized between us, {[William Hastings, Sophia Anne Mitchell,]} in the presence of us {[John Hastings, Geoffry Mitchell.]}

(The Words and Figures within [ ] in this Schedule to be filled in as the case may be.)

SCHEDULE (D.)

I, [John Cox,] Registrar of Births and Deaths in the [District] of [Mary-le-bone, North,] in the County of [Middlesex,] Do hereby certify, That this is a true Copy of the Registrar's Book of Births [or Deaths], within the said [District,] from the entry of the Birth [or Death] of [James Green,] No. [1,] to the entry of the Birth [or Death] of [William Strange,] No. [34.]

Witness my hand, this [Seventh] day of [March 1838.]

[John Cox] Registrar.

SCHEDULE (E.)

I, [John Cox,] Registrar of Births and Deaths in the [District] of [Mary-le-bone, North,] in the County of [Middlesex,] Do hereby certify, That the Death of [Henry Hastings] was duly registered by me on the [Seventh] day of [March 1836.]

Witness my hand, this [Eighth] day of [March 1836.]

[John Cox,] Registrar.

SCHEDULE (F.)

I, [James Smith,] Coroner for the County of [Dorset,] Do hereby Order the Burial of the Body now shown to the Inquest Jury as the Body of [John Jones.]

Witness my hand, this [Eighth] day of [March 1836.]

[James Smith,] Coroner.

SCHEDULE (G.)

I, [Gilbert Elliot, Vicar] of [Barmling,] in the County of [Kent,] Do hereby certify, That I have this day baptized by the name of [Thomas,] a [Male] Child, produced to me by [William Green,] as the Son of [William Green,] and [Rebecca Green,] and declared by the said [William Green] to have been born at [Mary-le-bone,] in the County of [Middlesex,] on the [Seventh] day of [January 1836.]

Witness my hand, this [First] day of [December 1838.]

[Gilbert Elliott,] Vicar.

(The words and figures within [ ] in the above Schedules to be filled in as the case may be.)

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(1) 29

(2) 22

(3) with consent of Parents and Guardians.

Registration of Births, &c.

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for Registering Births, Marriages
and Deaths in England.

Ordered, by The House of Commons, *to be Printed,*
3 *August* 1836.

524.

3 *August* 1836.—7 WILL. IV.

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for Registering Births, Marriages and Deaths in England.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]

[*N. B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

Preamble.

1 **WHEREAS** it is expedient to provide the means for a complete Register of the Births, Deaths and Marriages of His Majesty's Subjects in England:

52 Geo. 3. c. 146.

4 Geo. 4. c. 76.

And whereas an Act passed in the fifty-second year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages and Burials in England," and also an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for amending the Laws respecting the Solemnization of Marriages in England," are insufficient for the purpose aforesaid;

I.
So much of recited Acts as relates to Registration of Marriages, Repealed.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by 2 the Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven, so much of the said Acts as relates to the Registration of Marriages shall be Repealed.

II.
General Registry Office to be provided in London or Westminster.

And be it Enacted, That it shall be lawful for His Majesty to provide a proper Office in London or Westminster, to be called "The General Register Office," for keeping a Register of all Births, Deaths and Marriages of His Majesty's Subjects in England, and to appoint for the said Office, under the Great Seal of the United Kingdom, a Registrar

General of Births, Deaths and Marriages in England, and from time to time at pleasure to remove the said Registrar General, and appoint some other Person in his room.

III.
Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, to appoint Officers, and fix Salary.

And be it Enacted, That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any Three of them, or the Registrar General, subject to the approval of the said Lords Commissioners, shall appoint from time to time such Officers, Clerks and Servants as they shall deem necessary to carry on the business of the General Registry Office, and at pleasure remove them, or any of 3
them; and the said Lord Treasurer or Lords Commissioners shall fix the Salary of the Registrar General, so that the same shall not at any time exceed the sum of One thousand Pounds yearly, and shall fix the Salaries of the Officers, Clerks and Servants in fit proportion, according to the duties they may have to perform.

IV.
Salaries to be paid out of the Consolidated Fund.

And be it Enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks and Servants, and the amount of the sums hereinafter provided to be paid to the Superintendent Registrars for every Entry in the certified Copies of the Registers, and all expenses of carrying on the business of the General Registry Office, not herein otherwise provided for, shall be paid by the said Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

V.
Regulations for conduct of Officers, to be framed under direction of Secretary of State.

And be it Enacted, That one of His Majesty's Principal Secretaries of State, or the Registrar General, with the approbation of such Principal Secretary, from time to time may make regulations for the management of the said Register Office, and for the duties of the 4
Registrar General, Clerks, Officers and Servants of the said Office, and of the Registrars, Deputy Registrars and Superintendent Registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Registrar General, Clerks, Officers and Servants, and on the Registrars, Deputy Registrars and Superintendent Registrars.

VI.
Annual Abstract of Registers to be laid before Parliament.

And be it Enacted, That the Registrar General shall send once in every year to one of the Principal Secretaries of State a General Abstract of the numbers of Births, Deaths and Marriages registered during the foregoing year, in such form as the said Secretary from time to time shall require; and every such annual General Abstract shall be laid before Parliament within One Month after receipt thereof, or after the meeting of Parliament.

VII.
Registrars and Superintendent Registrars to be appointed.
4 & 5 W. 4. c. 76.

And be it Enacted, That the Guardians of every Union, declared 5 under the provisions of an Act passed in the fifth and sixth year of His present Majesty, intituled, "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and also of every Parish or Place in which a Board of Guardians shall have been established under the provisions of the last-named Act, shall, on or before the First day of October in this year, if the said Board of Guardians shall have been established before the passing of this Act, or within Three calendar Months next after the establishment of the Board, if the said Board shall not have been established before the passing of this Act, divide the Union, or the Parish or Place of which they are the Guardians, into such and so many Districts as they, subject to the approval of the Registrar General, shall think fit; and every such Division when made, shall be published by the Guardians within the Union, Parish or Place of which they are Guardians, in such manner as the said Registrar General shall direct; and every such District shall be called by a distinct name, and 6 shall be a Registrar's District; and the Guardians (¹) shall appoint a person (²) *with such qualifications as the Registrar General may by any general rule declare to be necessary,* to be Registrar of *Births and Deaths within* each district, and in every case of vacancy in the office of Registrar, shall forthwith fill up the vacancy (³); and the (⁴) *Clerk to the Guardians of every such Union, Parish or place shall, if he think fit to accept such office, be the Superintendent Registrar thereof, and in the event of his refusal to act in that capacity, the Guardians* shall appoint (⁵) a person (⁶) *with such qualifications as the Registrar General may by any general rule declare to be necessary,* to be the Superintendent Registrar of each Union, or of such Parish or Place, and in every case of vacancy of the Office of Superintendent Registrar, (⁷) shall forthwith fill up the vacancy (⁸); and every Registrar and Superintendent Registrar shall hold his office during the pleasure of the Registrar General.

VIII.

Provided always, and be it Enacted, That in every case in which the Clerk to the Guardians of any Union, Parish or place, or any other Officer of any such Union, Parish or place, shall hold any office under this Act, and shall be removed by the Poor Law Commissioners from his office in such Union, Parish or place, or by the Registrar General from his

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(¹) subject to the approval of the Registrar General,

(²) properly qualified (³) subject to the like approval;

(⁴) Registrar General

(⁵) subject to the approval of One of His Majesty's Principal Secretaries of State, (⁶) properly qualified

(⁷) the Registrar General (⁸) with the like approval as aforesaid;

his office under this Act, notice of such removal shall be forthwith given by advertisement in some newspaper circulating in the county wherein the district for which such officer may act shall be; and every such person shall thenceforth cease to hold his office under this Act, and shall be incapable of being re-appointed thereto: Provided also, That the appointment of any officer of any such Union, Parish or place to any office under this Act, shall be subject to the approval of the Poor Law Commissioners, except as hereinbefore directed, with respect to the Clerk to Guardians of any such Union, Parish or place.

IX.
Register Offices to be provided in each Union.

And be it Enacted, That the Guardians shall provide and uphold out of the monies coming to their hands or control as such Guardians, a Register Office, according to a plan to be approved by the Registrar General, for preserving the Registers to be deposited therein, as hereinafter provided; and the care of the said Office, and the custody of the Registers deposited therein, shall be given to the 7 Superintendent Registrar of the Union, or Parish or Place having a Board of Guardians as aforesaid.

X.
Temporary Registrars and Superintendent Registrars to be appointed for Parishes not under the Poor Law Act.

And be it Enacted, That the Poor Law Commissioners for England and Wales shall, as soon as may be after the said First day of October, form all the Parishes, Townships and Places in England, in or for which a Board of Guardians shall not have been then established under the provisions of the said Act for the Amendment of the Laws relating to the Poor, into temporary Districts, having regard in the formation thereof to the boundaries of Parishes and Townships, and shall appoint a Registrar to each of such temporary Districts, subject to being displaced as hereinafter provided; and the Registrar General (1) shall appoint a sufficient number of fit Persons to be Superintendent Registrars for such temporary Districts, subject to being displaced as hereinafter provided, and shall appoint the Districts which each shall superintend.

XI.
In case of subsequent Unions, previous Appointments to be vacated.

And be it Enacted, That in every case in which a Board of Guardians shall be established under the provisions of the said Act for the amendment of the Laws relating to the Poor, in or for any parish, 8 township or place forming part of any temporary District in or for which a Registrar or Superintendent Registrar shall have been previously appointed as last aforesaid, and as soon as (2) a Registrar or Registrars *shall have been appointed* for the districts into which the Guardians shall have divided the Union, or Parish or Place of which they are Guardians as aforesaid, and the (3) *Clerk of the Guardians of*

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(1) subject to the approval of the said Secretary of State,

(2) the Registrar General shall have approved the appointment of

(3) Registrar General, with the approval of the Secretary of State,

of such Union, Parish or Place shall have accepted the office of Superintendent Registrar, or the said Guardians shall have appointed a Superintendent Registrar for such Districts, in like manner as in the Unions formed before the passing of this Act, every such Parish or Place shall cease to be a part of the temporary district to which it was so annexed by the Poor Law Commissioners, and every Registrar, Deputy Registrar and Superintendent Registrar appointed before the election of such Board of Guardians as aforesaid, in or for such
9 parish, township or place, shall cease to hold their respective offices so far as relates to such parish, township or place, unless re-appointed.

XII. Deputy Registrars to be appointed.

And be it Enacted, That for every district for which a Registrar *of Births and Deaths* shall be appointed *by the Guardians as aforesaid*, the Registrar shall have power, subject to the approval of (1) *such Guardians, and for every district for which a Registrar shall be appointed by the said Poor Law Commissioners, such Registrar shall have power, subject to the approval of such Commissioners,* to appoint, by writing under his hand, a fit person to act as his Deputy, in case of the illness or unavoidable absence of such Registrar; and every such Deputy Registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning Registrars, and in case of the death of the Registrar, shall act as Registrar until another Registrar is appointed, and every Registrar shall be civilly responsible for the acts or omissions of his Deputy.

XIII. Appointments to be exempt from Stamp Duties.

And be it Enacted, That the Appointments of Registrars, Deputy Registrars and Superintendent Registrars, and the duplicates and certified copies of Registers hereinafter mentioned, shall be exempt from all Stamp Duties.

XIV. Register Boxes to be provided.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under
10 his superintendence, a sufficient number of strong iron boxes to hold the Register Books, to be kept by such Registrar, and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the Registrar, and the other key shall be kept by the Superintendent Registrar; and the Register Books of each district, while in the custody of the Registrar, and not in use, shall be always kept in the register box, and the register box shall always be (2) *left* locked.

XV. All Books, &c. to be transferred on removal of Registrar.

And be it Enacted, That in every case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said office, all Register Boxes, Keys, Books, Documents and Papers in his possession as such Registrar or Superintendent Registrar shall be given as soon as conveniently may be to his successor in office; and if any Person shall refuse to give up any such Box, Key, Books, Documents or Papers in such case as aforesaid, it shall be lawful for 11 any Justice of the Peace for the county or other jurisdiction where such Person shall be or reside, upon application made for that purpose, to issue a Warrant under his hand and seal for bringing such Person before any Two Justices of the Peace for the said county or other jurisdiction; and upon such Person appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way, and if it shall appear to the Justices that any such Box, Key, Books, Documents or Papers are in the custody or power of any such Person, and that he has refused or wilfully neglected to deliver the same, the said Justices are hereby required to commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the Person in whose custody the same ought to be; and the said Justices may grant a warrant to search for such Box, Key, Books, Documents or Papers, in the case 12 of stolen goods in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the Person in whose custody they ought to be.

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(1) the Registrar General,

(2) kept

XVI.
Registrar's Name and Place of Abode to be put on the Door of his House, &c.

And be it Enacted, That every Registrar and Deputy Registrar shall dwell within the District of which he is Registrar or Deputy Registrar, and shall cause his name, with the addition of Registrar or Deputy Registrar (as the case may be) for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house, and the Superintendent Registrar shall cause to be printed and published in the districts which he shall superintend a list of the name and place of abode of every Registrar and Deputy Registrar under his superintendence.

XVII.
Register Books to be provided.

And be it Enacted, That the Registrar General shall cause to be printed, on account of the said Register Office, a sufficient number of Register Books, for making entries of all Births, Deaths and Mar- 13 riages of His Majesty's Subjects in England, according to the forms of Schedules (A.), (B.), (C.), to this Act annexed; and the said Register Books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of Births, Deaths and Marriages respectively; and every page of each of such Books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the Book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

XVIII.
Registrars to register Births and Deaths.

. And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of Register Books of Births, and of Register Books of Deaths, and of Forms for certified Copies thereof, as 14 hereinafter provided, at a reasonable price to be fixed from time to time by one of His Majesty's Principal Secretaries of State, the cost whereof shall be borne by the union, parish or place in or for which the Superintendent Registrar is appointed, and shall be paid by the Guardians or by the Churchwardens and Overseers (as the case may be) out of the monies coming to their hands or control as such Guardians or Churchwardens and Overseers to the Registrar, and shall be accounted for by him to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every Birth and every Death which shall happen within his District after the said First day of March, and to learn and register as soon after the event as conveniently may be done, without fee or reward, save as hereinafter mentioned, in one of the said Books, the particulars required to be registered according to the Forms in the said Schedules (A.) and (B.) respectively, touching every such Birth or every such Death, as the case may be, 15 which shall not have been already registered, every such entry being made in order from the beginning to the end of the Book.

XIX.
Occupiers of Houses in which Birth or Death happens, and in cases of Foundlings or exposed dead bodies, Overseers and Coroners required to give notice to the Registrar.

And be it Enacted, That the *Father or Mother of any Child born, or the* Occupier of every house or tenement in England in which any Birth or Death shall happen, after the said First day of March, (1) *may* within (2) *Forty-two* Days next after the day of such Birth, or within (3) *Five* Days after the day of such Death respectively, give Notice of such Birth or Death to the Registrar of the District; and in case any new-born child or any dead body shall be found exposed, the Overseers of the Poor in the case of the new-born child, and the Coroner, in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar (4); and for the purposes of this Act the Master or Keeper of every Gaol, Prison or House of Correction, or Workhouse, Hospital or Lunatic Asylum, or Public or Charitable Institution, shall be deemed the occupier thereof.

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(1) shall (2) Eight (3) Three

(4) and every person herein required who shall refuse or without reasonable cause neglect to give such Notice as aforesaid, shall forfeit for every such offence a sum not exceeding Twenty Shillings.

XX.
Parent or Occupier of House, required to give particulars of Birth, so far as known.

And be it Enacted, That the Father or Mother of every Child born in England after the said First day of March, or in case of the death, illness, absence or inability of the Father and Mother, the Occupier of the House or Tenement in which such Child shall have been born, shall within (1) *Forty-two* Days next after the day of every such Birth, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the Birth of such Child.(2)

XXI.
Children born at Sea may be registered.

And be it Enacted, That if any Child of an English Parent shall be born at Sea on board of a British Vessel, the (3) Captain or Commanding Officer of the Vessel on board of which the said Child shall have been born, shall forthwith make a Minute of the several particulars hereinbefore required to be inserted in the Register touching the Birth of such Child, so far as the same may be known, and the name of the Vessel wherein the Birth took place; and shall, on the arrival of such Vessel in any Port of the United Kingdom, or by any other sooner opportunity, send a Certificate of the said Minute through the Post Office to the Registrar General; who shall file the same, and enter a Copy thereof under his hand in a Book to be kept for that purpose in the General Register Office, to be called the "Marine Register Book," and shall keep the said Book with the other Registers, according to the provisions of this Act.

XXII.
Births, after Fifteen Days, to be registered before the Superintendent Registrar.

And be it Enacted, That after the expiration of (4) *Forty-two* Days following the day of the Birth of any Child, it shall not be lawful for any Registrar to register such Birth, save as hereinafter is next mentioned: Provided, That in case the Birth of any Child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any Person present at the Birth of such Child, *or for the Father or Guardian thereof*, at any time within Six calendar Months next after the Birth, (5) to make a solemn declaration of the particulars required to be known, touching the Birth of such Child, according to the best of his or her knowledge and belief; and it shall thereupon be lawful for the said Registrar then and there, in the presence of the Superintendent Registrar, to register the Birth of the said Child, according to the information of the Person making the said declaration; and in every such case the Superintendent Registrar before whom the said declaration is made, shall sign the entry of the Birth as well as the Registrar; and for every such Registry as last aforesaid, the Superintendent Registrar shall be entitled to have a fee of Two Shillings and Sixpence from the Person requiring the same to be registered; and the Registrar, over and above the fee hereinafter enacted in respect of every Birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of Five Shillings from the Person requiring the same to be registered; and no Register of Births shall be given in evidence to prove the Birth of any Child, wherein it shall appear that (1) *Forty-two* Days have intervened between the day of the Birth and the day of the Registration of the Birth of such Child, unless the entry shall be signed by the Superintendent Registrar; and every Person who shall knowingly register, or cause to be registered the Birth of any Child, otherwise than hereinbefore is last mentioned, after the expiration of (2) *Forty-two* Days following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

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(1) Fifteen

(2) Provided always, That it shall not be necessary to register the name of any Father of a Bastard Child.

(3) Father or Mother, or some person present at the Birth of such Child, or in default thereof the Surgeon or

(4) Fifteen

(5) on production of the Child before the Registrar and Superintendent Registrar of the District in which the Birth shall have happened,

XXIII.
Births not to be registered after Six Months.

And be it Enacted, That after the expiration of Six calendar Months following the Birth of any Child, it shall not be lawful for any Registrar to register the Birth of such Child, and no Register of Births (except in the case of Children born at sea) shall be given in evidence to prove the Birth of any Child, wherein it shall appear that Six calendar Months have intervened between the day of the Birth and the day of the Registration of the Birth of such Child; and every Person who shall knowingly register, or cause to be registered, the Birth of any Child, after the expiration of Six calendar Months following the day of the Birth of such Child, shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

XXIV.
Baptismal Name, if different from that in Register, may be added.

And be it Enacted, That if any Child born in England whose Birth shall have been registered as aforesaid, shall within Six calendar Months next after it shall have been so registered, have any Name (3) given to it in Baptism, (4) the parent or guardian of such child, or

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(1) Fifteen (2) Fifteen (3) subsequently

(4) by which it shall not have been so registered,

other Person procuring such (1) Name to be given, (2) *may* within Seven Days next after such Baptism, (3) procure and deliver to the Registrar or Superintendent Registrar in whose custody the register of the Birth of the child may then happen to be, a Certificate, according to the Form of Schedule (G.) to this Act annexed, signed by the Minister who shall have performed the rite of Baptism, which Certificate such Minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of One Shilling, which he shall be therefore entitled to 21
receive, and the said Registrar or Superintendent Registrar, upon receipt of such Certificate, and on payment of the fee of One Shilling, which he shall be therefore entitled to receive, shall without any erasure of the original Entry forthwith register therein that the child was baptized by such name; and the Registrar shall thereupon certify upon the said Certificate the additional Entry so made, and shall forthwith send the said Certificate through the Post-office to the Registrar General. (4)

XXV.
Next of Kin or other Person present at death, or Occupier of House, required to give particulars of death, so far as known.

And be it Enacted, That (5) some Person present at the death, or
in attendance during the last illness, of every Person dying in England 22
after the said First day of March, or in case of the death, illness, inability or default of all such Persons, the Occupier of the House or Tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within Eight Days next after the day of such death, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such Person:

Registrar to make entry of finding of Jury upon Coroners' Inquests.

Provided always, That in every case in which an Inquest shall be held on any dead Body, the Jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the Jury, and the Registrar shall make the entry accordingly.

XXVI.
Persons dying at Sea may be registered.

And be it Enacted, That if any of His Majesty's English Subjects shall die at Sea on board of a British Vessel, (6) the Captain or Commanding Officer of the Vessel on board of which such death shall have 23 happened, shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the Register touching such death, so far as the same may be known, and the name of the Vessel wherein the death took place, and shall on the arrival of such Vessel in any port of the United Kingdom, or by any other sooner opportunity, send a Certificate of the said minute through the Post-office to the Registrar-General, who shall file the same, and enter a copy thereof under his hand in the Marine Register Book, and keep the same, with the other Registers, according to the provisions of this Act.

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(1) unregistered (2) is hereby required, (3) to

(4) and every Person who shall knowingly cause or procure any Name to be given in baptism to any registered child by which it shall not have been registered, and who shall not within Seven Days as aforesaid procure and deliver such Certificate, shall forfeit and pay a sum not exceeding Five Pounds for every such offence, and no such Baptismal Name shall be registered in the said Register after the expiration of Six calendar Months after the registration of the birth of the child.

(5) the Husband or Wife, or person nearest of kin, or

(6) the Surgeon, or in default thereof

XXVII.
No dead body to be buried without Certificate of Registry or of Inquest.

And be it Enacted, That every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the Undertaker or other person having charge of the Funeral, a Certificate under his hand, according to the Form of Schedule (E.) to this Act annexed, that such Death has 24 been duly registered, and such Certificate shall be delivered by such Undertaker or other person to the Minister or officiating Person who shall be required to bury or to perform any religious service for the burial of the dead body, and (1) *if any* dead body shall be buried (2) *for which no* such Certificate shall have been so delivered, *the person who shall bury or perform any funeral or any religious service for the burial shall forthwith give notice thereof to the Registrar:* Provided always, That the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death; and shall in such case give a Certificate of his order in writing under his hand, according to the Form of Schedule (F.) to this Act annexed, to such Undertaker or other person having charge of the Funeral, which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or any religious service for the burial of any dead body, (3) *for which no* Certificate shall have been duly made and delivered as aforesaid, either by the Registrar or Coroner, *and who shall not within Seven Days give notice thereof to the Registrar,* shall forfeit and pay any sum not exceeding Ten Pounds for every such offence.

XXVIII.
Register to be signed by the Informant.

And be it Enacted, That every Person by whom the information contained in any Register of Birth or Death under this Act shall 25 have been given shall sign his name, description and place of abode in the Register, and no Register of Birth or Death according to this Act shall be given in evidence, which shall not be signed by some Person professing to be the Informant, and to be such party as is herein required to give such information to the Registrar.

And

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(1) no (2) until (3) until a

XXIX.
Registrars to be paid by the Overseers according to a Scale.

And be it Enacted, That every Registrar shall make out an Account Four times in every year of the number of Births and Deaths which he shall have registered since the last Quarterly Account, and the Superintendent Registrar shall verify and sign the same, and the Guardians or Overseers of the parish, township or place in or for which he shall be Registrar, on production of the said account so verified and signed, shall pay to the said Registrar, out of the monies in their hands or power as such Guardians or Overseers, such sums as he shall be entitled to receive on the said account, according to the following scale; (that is to say) for the first Twenty Entries of Births and Deaths in every year which he shall have registered, whether the same be of Births or of Deaths indiscriminately, Two Shillings and Sixpence each; and One Shilling for every subsequent Entry of Births or Deaths in each year; and in the case of an Union, the said several sums shall be charged to the account of the Parishes in which such Births or Deaths respectively shall have occurred.

XXX.
Marriage Register Books to be provided.

And be it Enacted, That the Registrar-General shall furnish or cause to be furnished to the Rector, Vicar or Curate of every Church and Chapel in England wherein Marriages may lawfully be solemnized, and also to every Person whom the Recording Clerk of the Society of Friends, commonly called Quakers, at their central Office in London, shall from time to time certify in writing under his hand to the Registrar-General to be a Registering Officer in England of the said Society, and also to every Person whom the President for the time being of the London Committee of Deputies of the British Jews shall from time to time certify in writing under his hand to the Registrar-General to be the Secretary of a Synagogue in England of Persons professing the Jewish Religion, a sufficient number in Duplicate of Marriage Register Books, and Forms for certified Copies thereof as hereinafter provided; and the costs of all such Books and Forms shall be paid by the Churchwardens and Overseers of the parish or chapelry out of the Monies in their hands as such Churchwardens and Overseers, or by the Registering Officer or Secretary respectively to whom the same shall be furnished.

XXXI.
Marriage Registers to be kept in duplicate.

And be it Enacted, That every Clergyman of the Church of England, immediately after every office of Matrimony solemnized by him, shall register in duplicate in two of the Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer of the Quakers, as soon as conveniently may be after the solemnization of any Marriage between two Quakers, in the district for which he is Registering Officer, and every such Secretary of a Synagogue immediately after every Marriage solemnized (1) between any two Persons

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(1) by him, or by any other Officer of the Synagogue whereof he is Secretary,

professing the Jewish Religion, *and belonging to the Synagogue whereof he is Secretary,* shall register or cause to be registered in duplicate in two of the said Marriage Register Books the several particulars relating to that Marriage, according to the Form of the said Schedule (C.); and every such Registering Officer or Secretary, whether he shall or shall not be present at such Marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said Society, or of the Persons professing the Jewish Religion, as the case may be; and every such Entry as hereinbefore is mentioned (whether made by such Clergyman or by such Registering Officer or Secretary respectively as aforesaid) shall be signed by the Clergyman, or by the said Registering Officer or Secretary, as the case may be; and by the
29 Parties married, and by Two Witnesses, and shall be made in order from the beginning to the end of each Book, and the number of the place of Entry in each duplicate Marriage Register Book shall be the same.

XXXII.
Certified copies of Registers of Births and Deaths to be sent quarterly, and Register Books when filled, to the Superintendent Registrar.

And be it Enacted, That in the months of April, July, October and January, on such days as shall from time to time be appointed by the Registrar General, every Registrar shall make and deliver to the Superintendent Registrar of his District, on durable materials, a true Copy, certified by him under his hand, according to the Form of Schedule (D.) to this Act annexed, of all the entries of Births and Deaths in the Register Book kept by him since the last certificate, the first of such certificates to be given in the month of July in the year One thousand eight hundred and Thirty-seven, and to contain all the entries made up to that time; and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same, under his hand, to be a true copy; and if there shall have been no Birth or Death registered since the delivery of the last certificate, the Registrar
30 shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said Register Books until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his office.

XXXIII.
Duplicates and certified Copies of Registers of Marriages to be sent to Superintendent Registrar.

And be it Enacted, That the Rector, Vicar or Curate of every such Church and Chapel, and every such Registering Officer and Secretary shall, in the months of April, July, October and January respectively, make and deliver to the Superintendent Registrar of the district in which such Church or Chapel, (1) may be situated, *or which may be assigned by the Registrar General to such Registering Officer or Secretary* on durable materials, a true copy, certified by him, under his hand, of all the Entries of Marriages in the Register Book kept by

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(1) or the house of the Registering Officer or Secretary respectively

him since the last Certificate; the first of such Certificates to be given
in the month of July One thousand eight hundred and Thirty-seven,
and to contain all the entries made up to that time, and if there shall 31
have been no Marriage entered therein since the last Certificate, shall
certify the fact under his hand, and shall keep the said Marriage
Register Books safely until the same shall be filled; and one copy of
every such Register Book, when filled, shall be delivered to the Super-
intendent Registrar of the District in which such Church or Chapel (1),
may be situated, *or which shall have been assigned as aforesaid to such Re-
gistering Officer or Secretary*, and the other copy of every such Register
Book kept by any such Rector, Vicar or Curate, shall remain in the keep-
ing of such Rector, Vicar or Curate, and shall be kept by him with the
Registers of Baptisms and Burials of the Parish or Chapelry within
which the Marriages registered therein shall have been solemnized; and
the other copy of every such Register Book of Marriages among the
People called Quakers, and among Persons professing the Jewish
Religion respectively, shall remain under the care of the said People or 32
Persons respectively, to be kept with their other Registers and Records,
and shall, for the purposes of this Act, be still deemed to be in the
keeping of the Registering Officer (2) or (3) Secretary for the time
being (4) *respectively*.

XXXIV.
Superintendent Registrars to send certified copies of Registers to the General Register Office.

And be it Enacted, That every Superintendent Registrar shall Four
times in every year, on such days as shall be therefore named by the
Registrar General, send to the Registrar General all the certified
copies of the Registers of Births, Deaths and Marriages which he
shall have so received during the Three calendar Months next preceding
such Quarterly days of transmission respectively; and if it shall
appear by interruption of the regular progression of numbers or other-
wise, that the copy of any part of any Book has not been duly
delivered to him, he shall procure, as far as possible, consistently
with the provisions of this Act, that the same may be remedied and sup-
plied; and every such Superintendent Registrar shall be entitled to 33
receive the sum of Two-pence for every Entry in such certified Copies;
and every Superintendent Registrar shall make out an Account Four
times in every year, of the number of Entries in the certified Copies
sent to him during the last quarter; and the certified Copies so sent to
the General Registry Office shall be thereafter kept in the said Office,
in such order and manner as the Registrar General, under the direction
of

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(1) or House of the Registering Officer or Secretary

(2) for the district for the time being of the said People,

(3) of the

(4) of the Synagogue by an officer of which such Marriages shall have been solemnized.

of the Secretary of State, shall think fit, so that the same may be most readily seen and examined.

XXXV.
Searches may be made, and Certificates given by the Persons keeping the Registers.

And be it Enacted, That every Rector, Vicar or Curate, and every Registrar, Registering Officer and Secretary who shall have the keeping, for the time being, of any Register Book of Births, Deaths or Marriages, shall, at all reasonable times, allow Searches to be made of any Register Book in his keeping, and shall give a Copy certified under his hand, of any Entry or Entries in the same, on payment of the fee hereinafter mentioned; (that is to say) for every Search, 34 extending over a period not more than One Year, the sum of One Shilling, and Sixpence additional for every additional year, and the sum of Two Shillings and Sixpence for every single Certificate.

XXXVI.
Searches may be made at the Superintendent Registrar's Office.

And be it Enacted, That every Superintendent Registrar shall cause Indexes of the Register Books in his Office to be made, and kept with the other Records of his Office, and that every Person shall be entitled at all reasonable hours to search the said Indexes, and to have a certified Copy of any Entry or Entries in the said Register Books under the hand of the Superintendent Registrar, on payment of the fees hereinafter mentioned; (that is to say) for every general Search the sum of Five Shillings, and for every particular Search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence.

XXXVII.
Indexes to be kept, Searches allowed, and Certificates given.

And be it Enacted, That the Registrar General shall cause Indexes of all the said certified Copies of the Registers to be made and kept in the General Register Office; and that every Person shall be entitled on payment of the fees hereinafter mentioned to search the said Indexes, 35 between the hours of Ten in the Morning and Four in the Afternoon of every day, except Sundays, Christmas-day and Good Friday, and to have a certified Copy of any Entry in the said certified copies of the Registers; and for every general search of the said Indexes shall be paid the sum of Twenty Shillings, and for every particular search the sum of One Shilling, and for every such certified Copy the sum of Two Shillings and Sixpence, and no more shall be paid, to the Registrar General, or such other Officer as shall be appointed for that purpose on his account.

XXXVIII.
Certificates of General Registry Office to be sealed.

And be it Enacted, That the Registrar General shall cause to be made a Seal of the said Register Office, and the Registrar General shall cause to be sealed or stamped therewith all certified Copies of Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office, shall be received as evidence of the Birth, Death or Marriage to which the same relates, without any further or other proof of such Entry; and no certified Copy purporting to be given in the said Office shall be of any force or effect which is not sealed or stamped as aforesaid.

XXXIX.
Fees for Searches in the General Register Office to be accounted for to the Exchequer.
4 & 5 W. 4. c. 15.

And be it Enacted, That every sum received under the provisions of this Act by or on account of the Registrar General, shall be accounted 36
for and paid by the Registrar General at such times as the Lords Commissioners of the Treasury from time to time shall direct, into the Bank of England to the credit of His Majesty's Exchequer, according to the provisions of an Act passed in the fourth and fifth years of His Majesty, intituled, "An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster."

XL.
Penalty on Parties being married refusing to answer questions.

And be it Enacted, That it shall be lawful for every Clergyman of the Church of England who shall solemnize any Marriage in England, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said First day of March, to ask of the Parties married the several particulars herein required to be registered touching such Marriage. (1)

XLI.
Penalty for wilfully giving false information.

And be it Enacted, That every Person who shall wilfully make or 37
cause to be made for the purpose of being inserted in any Register of Birth, Death or Marriage, any false statement touching any of the particulars herein required to be known and registered, shall be (2) *subject to the same pains and penalties as if he were* guilty of Perjury. (3)

XLII.
Penalty for not duly registering Births, Deaths and Marriages, or for losing or injuring Registers.

And be it Enacted, That every Person who shall refuse, or without reasonable cause omit, to register any Marriage solemnized by him, or which he ought to register; and every Registrar who shall refuse, or without reasonable cause omit, to register any Birth or Death, of which he shall have had due notice as aforesaid, and every Person having the custody of any Register Book or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding Fifty Pounds for every such offence.

XLIII.
Penalty for destroying or falsifying Register Books.

And be it Enacted, That every Person who shall wilfully destroy or
injure, or cause to be destroyed or injured, any such Register Book, or 38
any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any

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(1) and every Person who shall refuse, or without reasonable cause neglect to answer, according to the best of his or her knowledge and belief, shall forfeit and pay a sum not more than Fifty Pounds for every such offence.

(2) deemed

(3) and punished accordingly.

any such Register Book, or certified copy thereof, or shall wilfully insert, or cause to be inserted in any Register Book, or certified copy thereof, any false Entry of any Birth, Death or Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

XLIV.
Accidental Errors may be corrected.

Provided always, and be it Enacted, That no Person charged with the duty of registering any Birth, Death or Marriage, who shall discover any error to have been committed in the form or substance of any such Entry, shall be therefore liable to any of the penalties aforesaid, if within One calendar Month next after the discovery of such error, in the presence of the parents of the child whose birth may have 39 been so registered, or of the Parties married, or of two Persons attending upon any Person in his or her last illness, whose death may have been so registered, or in case of the death or absence of the respective Parties aforesaid, then in the presence of the Superintendent Registrar, and of two other credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, That in the case of a Marriage Register, he shall make the like marginal entry, attested in like manner, in the duplicate Marriage Register Book to be made by him as aforesaid; and in every case shall make the like alteration in the certified copy of the Register Book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

XLV.
Recovery of Penalties.

And be it Enacted, That all Fines and Forfeitures by this Act imposed, 40 unless otherwise directed, shall be recovered before any two Justices of the Peace for the county, city or place where the offence shall have happened, upon the information or complaint of any Person; and if on the conviction of the Offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such Justices are hereby empowered to administer) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the Offender, by Warrant under the hand and seal of such Justices; and for want of distress such Justices may commit every such Offender to the Common Gaol or House of Correction for the county, city or place where the Offender shall be committed, without bail or mainprize, for any term not exceeding One calendar Month, unless such fine and forfeiture, and

all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the
Person who shall inform and sue or prosecute for the same, and the 41
other moiety shall go to the Registrar General, or to such other Person as the Lords Commissioners of the Treasury shall appoint for the use of His Majesty; and no Distress made by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction or warrant of distress, or on account of any irregularity which shall be afterwards committed by the Party distraining; but the Person or Persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

XLVI.
Appeal.

And be it Enacted, That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed Five Pounds, any Person convicted may appeal to the next Court of General or Quarter Sessions, which shall be holden not sooner than Twelve Days after the day of such conviction for the county or other district wherein the cause of
complaint shall have arisen: Provided, That such Person shall give to the 42
Complainant a Notice in writing of such Appeal, and of the cause and matter thereof, within Three Days after such conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizances being entered into, the Court at such Sessions shall hear and determine the matter of the Appeal, and shall make such order therein, with or without costs to either Party, as to the Court shall seem meet; and in case of the dismissal of the Appeal or the affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue Process for enforcing such judgment.

XLVII.
No Certiorari.

And be it Enacted, That no such Conviction or Adjudication made on Appeal therefrom shall be quashed for want of form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid conviction to sustain the same.

XLVIII.
Correspondence of Registrar General relating to this Act to be free of Postage.

And be it Enacted, That the Registrar General may receive and send by the General Post from and to places in England, all Letters and Packets relating exclusively to the execution of this Act free from the duty of Postage, provided that such Letters and Packets as shall

be

REGISTRATION OF BIRTHS BILL.

CLAUSE

Proposed to be added after CLAUSE 3.

And be it Enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks and Servants, and the amount of the sums hereinafter provided to be paid to the Superintendent Registrars for every Entry in the certified Copies of the Registers, and all expenses of carrying on the business of the General Registry Office, not herein otherwise provided for, shall be paid by the said Lord Treasurer, or Lords Commissioners of His Majesty's Treasury, out of the Consolidated Fund.

REGISTRATION OF BIRTHS BILL.

CLAUSE

Proposed to be added after CLAUSE 3.

April 1836.

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o.61.

17 *February* 1836.—6 Will. IV.

A

BILL

For Marriages in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it is expedient to amend the Law of Marriages in England; **Be it Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT after the *First* day of *January*, in the year *One thousand eight hundred and Thirty-seven*, no Parson, Vicar, Minister or Curate in England shall be obliged to publish the Banns of Matrimony between any persons whatsoever.

1. Banns need not be published after 1 January 1837.

2. Notice of every intended Marriage to be given to the Registrar.

And be it Enacted, That after the said *First* day of *January*, notice of every intended Marriage in England shall be given in writing, signed by one of the Parties, in the Form of Schedule (A.) to this Act annexed, to the Registrar of the District within which the Marriage is intended to be solemnized, and every such Notice shall state the proper Name and Surname, and the profession or condition of each of the Parties intending Marriage, the dwelling-place of each of them, and the time during which each has dwelt therein; and where either of the Parties, not being a widower or widow, shall be under the age of *Twenty-one* Years, that such Marriage is intended, with the consent of the person or persons whose consent to such Marriage is required by law, or that there is no person having authority to give such consent: Provided always, That if either Party hath dwelt in such place during more than *One* calendar Month, it may be stated in the Notice that he or she hath dwelt there during one month and upwards.

3. Registrar to copy Notices in a Book, and to give Certificate.

And be it Enacted, That the Registrar shall file all such notices, and from time to time, at such times as shall be directed by the Registrar General, shall deliver them to the Superintendent Registrar of the district to be kept with the records of his office, and shall also forthwith copy all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed as is the cost of providing Register Books of Births, Deaths and Marriages; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and the Registrar shall give under his hand to the party requiring the same, a Certificate of notice, and of the entry of such notice, in the form of Schedule (B.) to this Act annexed, and for every such entry and certificate the Registrar shall be entitled to have a fee of *One* Shilling: Provided always, That no such notice shall be received, or Certificate given, by any Registrar, unless some person, known by the Registrar, and by whom the Parties intending Marriage are known, shall personally appear before the Registrar at the time of the delivery of the notice, and certify thereon, under his hand, that to the best of his or her knowledge and belief, the Parties intending Marriage are therein truly described.

4.
Marriages not to be solemnized within Twenty-one Days of Registrar's Certificate, unless by License within Seven Days.

And be it Enacted, That after the said *First* day of *January*, no Marriage unless by License, shall be solemnized or registered in England until after the expiration of *Twenty-one* Days after the day of the delivery of such certificate of notice; and no Marriage shall be solemnized by License or registered until after the expiration of *Seven* Days after the day of the delivery of such certificate of notice; and every such certificate shall be delivered to the officiating Minister, if the Marriage shall be solemnized according to the rites of the Church of England, and otherwise shall be re-delivered to the Registrar present at the celebration of such Marriage as hereinafter enacted: Provided always, That nothing herein contained shall affect the right of the Archbishop of Canterbury and his successors, and his and their proper officers to grant Special Licenses to marry at any convenient time and place.

5.
Superintendent Registrar may grant Licenses of Marriage on payment of Three Pounds.

And be it Enacted, That after the said *First* day of *January* every Superintendent Registrar shall have authority to grant Licenses for the speedy celebration of Marriage within his district, under the provisions of this Act, in the form of Schedule (C.) to this Act annexed, and for every such License shall be entitled to have of the party requiring the same, the sum of *Three* Pounds above the value of the Stamps necessary on granting such License, which shall be accounted for by him to the Registrar General: Provided always, That no Superintendent Registrar shall grant any such License until he shall have given security by his bond, in the sum of *One hundred* Pounds, to the Registrar General for the due and faithful execution of his office: Provided also, That nothing herein contained shall authorize any Superintendent Registrar to grant any License for the celebration of any Marriage according to the rites of the Church of England.

6.
Certificate to be given before the License is granted.

And be it Enacted, That before any such License be granted by the Superintendent Registrar, one of the Parties intending Marriage shall appear personally before the Superintendent Registrar and certify under his or her hand, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that one of the said Parties hath for the space of *Fifteen* Days immediately before such License, had his or her usual place of abode within the Registrar's district within which such Marriage is to be solemnized, and where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one years, that such Marriage is intended with the consent of the person or persons whose consent to such Marriage is required by law, or that there is no person having authority to give such consent, as the case may be, and all such Licenses and Certificates shall be liable to the same Stamp Duties as Licenses of Marriages granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

7.
Who are to give consent.

And be it Enacted, That the like consent shall be required to any Marriage under this Act as was required by law to Marriages solemnized by License immediately before the passing of this Act.

8.
New Notice required after Three Months.

And be it Enacted, That whenever a Marriage shall not be had within *Three* Months after certificate of notice shall have been so delivered by the Registrar, no person shall proceed to solemnize the same, nor shall any Registrar register the same, until new notice shall have been given, and Certificate thereof in manner aforesaid, and until after the expiration of *Seven* Days after such new Certificate, if due license in that behalf shall have been obtained, or without license until after the expiration of *Twenty-one* Days after such new Certificate.

9.
Caveat may be lodged with the Registrar against the issue of a Certificate.

And be it Enacted, That any person on payment of *One* Shilling, may enter a Caveat with the Registrar against the Marriage of any person named therein; and if any Caveat be entered with the Registrar, such Caveat being duly signed by or on behalf of the person who entered the same, with his place of residence, no certificate of notice shall be delivered touching the Marriage of the person named in the Caveat, until after notice of the application shall have been sent through the Post-office to the person by or on behalf of whom the Caveat was entered.

10.
Caveat may be lodged with Superintendent Registrar against grant of License.

And be it Enacted, That any person, on payment of *Five* Shillings, may enter a Caveat with the Superintendent Registrar against the grant of a License for the Marriage of any person named therein, and if any Caveat be entered with the Superintendent Registrar, such

Caveat being duly signed by or on behalf of the person who enters the same, together with his place of residence, and the ground of objection on which his Caveat is founded, no License shall be granted by the Superintendent Registrar till the said Caveat be disposed of in like manner as a caveat against granting a License of Marriage by any Ordinary, or until the Caveat be withdrawn by the Party who entered the same.

11.
Persons vexatiously entering Caveat, liable to Costs and Damages.

And be it Enacted, That every person who shall enter a Caveat with the Superintendent Registrar, against the grant of any License, on grounds which the Court by which the same shall be tried shall declare to be frivolous, and that they ought not to obstruct the grant of the License, and every person, not being the parent or guardian of either of the Parties intending Marriage, who shall enter a Caveat with the Registrar against any Marriage, shall be liable for the costs of the proceedings in each case, and for damages to be recovered in a special action upon the case, by the Party against whose Marriage such Caveat shall have been entered.

12.
Places of Worship may be registered for the celebration of Marriages therein.

And be it Enacted, That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for the celebration of Marriages therein, and in such case shall deliver to the Superintendent Registrar a Certificate, signed in duplicate by *Twenty* Householders at the least, that such building has been used by them during *One* Year at the least as their principal place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which Certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered, and the Superintendent Registrar shall send both Certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the General Register Office, and the Registrar General shall endorse on both Certificates the date of the registry, and shall keep one Certificate with the other records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other records of his office; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a Certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the Certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the London Gazette, and for every such entry, certificate and publication, the Superintendent Registrar shall receive at the time of the delivery to him of the Certificates the sum of *Five* Pounds, which shall be accounted for by him to the Registrar General.

And

13.
On removal of the same Congregation, the new Place of Worship may be immediately registered, instead of the one disused.

And be it Enacted, That if at any time subsequent to the registry of any building for the celebration of Marriages therein, it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, and that the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship instead of the disused building for the celebration of Marriages therein, although such new place of worship may not have been used for that purpose during *One* Year then next preceding; and every application for such substitution and registry of a substituted building shall be made to the Registrar General through the Superintendent Registrar of the district, and when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the date of such substitution in the book provided for the registry of such buildings, and shall certify and publish such substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the Superintendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of *Five* Pounds, which shall be accounted for by him to the Registrar General; and after such substitution shall have been made by the Registrar General, it shall not be lawful to solemnize any Marriages in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

14.
Marriages may be celebrated in such registered places, in the presence of the Registrar, and of Two Witnesses.

And be it Enacted, That Marriages may be celebrated in any such registered building between and by any persons, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, That every such Marriage shall be celebrated with open doors, between the hours of *Nine* in the Forenoon and *Three* in the Afternoon, in the presence of the Registrar of the District, to whom notice of the intended Marriage was given as aforesaid, and of *Two* or more credible witnesses: Provided also, That in some part of such ceremony, and in the presence of the Registrar and Witnesses, each of the Parties shall say to the other

> "I call upon these persons here present to witness that I, A. B. do take thee, C. D., to be my lawful wedded Wife [or Husband]."

and for every Marriage which shall be solemnized under this Act in the presence of any Registrar, he shall be entitled to have from the parties married the sum of   , and also to be allowed and paid to him, in like manner as his fees for registering births and deaths, the sum of *One* Shilling for registering the same as hereinafter provided.

15.
Marriages may be celebrated before the Superintendent Registrar, but not by License.

And be it Enacted, That any persons who shall object to marry under the provisions of this Act in any such registered building, may contract and celebrate Marriage at the office and in the presence of the Superintendent Registrar of the District, and in the presence of the Registrar and *Two* Witnesses, with open doors, and between the hours aforesaid, using the form of words hereinbefore provided, in the case of Marriage in any such registered building: Provided always, That no such Marriage before the Superintendent Registrar shall be by License, and for every such Marriage the Superintendent Registrar shall be entitled to have a fee of *Ten* Shillings.

16.
Registrar to register all Marriages solemnized before them; Marriage Register Books to be sent to the Superintendent Registrar, and a certified Copy to the Registrar General.

And be it Enacted, That the Registrar shall forthwith register every Marriage celebrated in manner aforesaid in his presence, in a Marriage Register Book to be furnished to him for that purpose by the Registrar General, according to the form provided for the Registration of Marriages by an Act made in this present Session of Parliament, intituled, "An Act for registering Births, Deaths and Marriages in England," or as near thereunto as may be; and every entry of such Marriage shall be signed by the Minister or other person by or before whom the Marriage was celebrated, and by the Registrar, and also by the parties married, and attested by such two witnesses; and all such Marriage Register Books, and certified copies thereof, shall be sent to the Superintendent Registrar, and dealt with in all respects as Registers of Births and Deaths under the provisions of the said Act for registering Births, Deaths and Marriages.

17.
Proof of Notice and Certificate, and of residence of parties not necessary to establish the Marriage.

And be it Enacted, That after the celebration of any Marriage under this Act, it shall not be necessary, in support of such Marriage, to give any proof of the actual dwelling of the parties, previous to the Marriage, within the district wherein such Marriage was celebrated, for the time required by this Act, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage.

18.
Marriages under this Act to be cognizable as Marriages of the Church of England.

And be it Enacted, That every Marriage celebrated under this Act shall be cognizable in like manner as Marriages celebrated before the *passing of this Act*, according to the rites of the Church of England.

19.
Penalty on Persons married refusing to answer questions.

And be it Enacted, That it shall be lawful for the Registrar before whom any Marriage is celebrated according to the provisions of this Act, to ask of the parties married the several particulars required to be registered touching such Marriage, and every such person who shall refuse, or without reasonable cause neglect to answer according to the best of his or her belief, shall forfeit and pay a sum not exceeding *Fifty* Pounds.

20.
Persons making false Oaths, &c. guilty of Perjury.

And be it Enacted, That every person who shall wilfully make any false oath or declaration, or who shall knowingly sign any false Certificate required by this Act, for the purpose of procuring any Marriage, shall be deemed guilty of *perjury*, and punished accordingly.

21. Persons unduly solemnizing Marriage guilty of Felony.

And be it Enacted, That every person who shall knowingly solemnize Matrimony under colour of this Act, otherwise than according to the rites of the Church of England as by law established, in any place other than a building registered as aforesaid, (except the Superintendent Registrar in his office) or in the absence of the Registrar of the district, or at any other time than between the hours of *Nine* in the Forenoon and *Three* in the Afternoon; and every person who shall knowingly solemnize Matrimony, either according to the rites of the Church of England, or under any provision of this Act (except by Special License) within the time herein provided to elapse between the certificate of notice of intended Marriage to be given by the Registrar, and the celebration of such Marriage, shall be guilty of *Felony*, and shall be transported beyond the seas for *Fourteen* Years: Provided that all prosecutions for such felony shall be commenced within *Three* Years after the offence; provided also, that no person who shall solemnize any Marriage according to the provisions of this Act, shall be liable to any of the penalties imposed by an Act passed in the fourth year of his late Majesty King GEORGE the Fourth, intituled, "An Act for amending the laws respecting the solemnization of Marriage in England" on such persons as should solemnize Matrimony otherwise than according to the provisions of the last recited Act.

22. Marriages void if unduly solemnized with the knowledge of both parties.

And be it Enacted, That if any persons under colour of this Act, shall with the knowledge of both Parties intermarry otherwise than according to the rites of the Church of England as by law established, in any place other than a building registered as aforesaid, or the office of the Superintendent Registrar, or without License, in case a License is required under this Act, or in the absence of the Registrar, and if any persons, with the knowledge of both parties, shall intermarry either according to the rites of the Church of England or under any provision of this Act (except by Special License) without due notice to the Registrar, the Marriage of such persons shall be null and void.

23. In cases of fraudulent Marriages, the guilty party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. s. 23, &c.

And be it Enacted, That if any valid Marriage shall be had under the provisions of this Act, by means of any wilfully false oath, certificate or declaration, made by either Party to such Marriage, as to any matter to which an oath, certificate or declaration is herein required it shall be lawful for His Majesty's Attorney-General or Solicitor-General to sue for a forfeiture of all estate and interest in any property accruing to the offending Party by such Marriage, and the proceedings thereupon and consequences thereof shall be the same as are provided with regard to Marriages solemnized by License before the passing of this Act, according to the rites of the Church of England.

24. Act to extend only to England, and not to extend to the Royal Family.

And be it Enacted, That this Act shall extend only to England, and shall not extend to the Marriage of any of the Royal Family.

Schedule (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Stepney*,

I hereby give you Notice, that a Marriage is intended to be had, within Three calendar Months from the date hereof, between the Parties herein named and described; (that is to say),

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.
James Smith -	*Carpenter* -	*Of full Age.*	*16 High-street*	*23 Days.*
Martha Green	*Spinster* - -	*Minor.*	*Grove Farm* -	*More than a Month.*

With consent of the ( ) of the said ( ) of the *Parents* of the said *Martha Green.*

Witness my hand this *6th* day of *May 1837.*

(signed) *James Smith.*

I, *Thomas Brown*, of *Park-street*, do hereby certify, that the above-named Parties are known by me, and that to the best of my knowledge and belief, they are herein truly described.

(signed) *Thomas Brown.*

Schedule (B.)

CERTIFICATE OF NOTICE.

No. *14.*

I, *John Cox*, Registrar of the District of *Stepney*, do hereby certify that I have duly entered in the Marriage Notice Book of the said District, the Notice delivered to me of the Marriage intended between the Parties herein named and described; (that is to say),

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.
James Smith -	*Carpenter* -	*Of full Age.*	*16 High-street* -	*23 Days.*
Martha Green -	*Spinster* - -	*Minor.*	*Grove Farm* -	*More than a Month.*

With consent of the ( ) of the said ( ) of the *Parents* of the said *Martha Green.*

Certified as a true description by *Thomas Brown*, of *Park-street*, who is known by me.

Witness my hand this *6th* day of *May 1837.*

(signed) *John Cox*,

The *italics* in the Schedules (A.) and (B.) to be filled up as the case may be.]

Schedule (C.)

LICENSE OF MARRIAGE.

A. B., Superintendent Registrar of
to C. D. of and E. F. of

Sendeth Greeting:

WHEREAS ye are minded, as it is said, to enter into a contract of Marriage, under the provisions of an Act made in the *Sixth* year of the reign of His Majesty King WILLIAM the Fourth, intituled, [here insert the title of this Act] and are desirous that the same may be speedily and publicly celebrated.

I do hereby grant unto you full License, according to the authority in that behalf given to me by the said Act, to proceed to celebrate such Marriage, and to the Registrar of the District of to register such Marriage according to law: Provided that no impediment of kindred or alliance shall appear, nor any other lawful hindrance to the said Marriage: Provided also, that the said Marriage be publicly solemnized in the presence of the said Registrar, within *Three* calendar Months from the date hereof in the [here describe the building in which the Marriage is to be celebrated, according to the registry thereof], between the hours of *Nine* in the Forenoon and *Three* in the Afternoon.

Given under my hand this day of
One thousand eight hundred and

(signed) A. B.
Superintendent Registrar.

Marriages.

A

BILL

For Marriages in England.

(*Prepared and brought in by*
Lord John Russell, Mr. Chancellor of the Exchequer, and Mr. Attorney General.

Ordered, by The House of Commons, *to be Printed,*
17 *February* 1836.

34.

18 *April* 1836.—6 Will. IV.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For Marriages in *England.*

[N. B.—*The Clauses marked* (A.) *to* (K.) *were added by the Committee.*]

Preamble.

WHEREAS it is expedient to amend the Law of Marriages in *England*; BE it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven, no Parson, Vicar, Minister or Curate in *England* shall be obliged to publish the Banns of Matrimony between any persons whatsoever; and that all the rules prescribed by the Rubrick concerning the solemnizing of Marriages, (except as to the publishing of banns) and not hereby altered, shall continue to be duly observed by every person in Holy Orders of the Church of *England* who shall solemnize any Marriage in *England* after the said First day of March: Provided always, That where by any law or canon in force before the passing of this Act, it is provided that any Marriage may be solemnized after publication of banns, such Marriage may be solemnized in like manner on production of the Registrar's Certificate, without license, as hereinafter provided, and that the giving of notice to the Registrar, and issue of the Registrar's Certificate, without license, as hereinafter provided, shall be used and stand instead of the publication of banns to all intents and purposes.

1. Banns need not be published after 21st January 1837.

2. Clause (A.) Marriages of Quakers and Jews.

And be it Enacted, That the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize Marriage according to the usages of the said Society and of the said persons respectively; and every such Marriage is hereby declared and confirmed good in law, provided that the

Parties to such Marriage be both of the said Society, or both persons professing the Jewish religion respectively: Provided also, That notice to the Registrar shall have been given, and the Registrar's certificate shall have issued in manner hereinafter provided.

3. Notice of every intended Marriage to be given to the Registrar.

And be it Enacted, That in every case of Marriage intended to be solemnized in *England* after the said First day of March (except by Special License), whether according to the rites of the Church of *England*, or according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the Parties shall give notice under his or her hand in the form of Schedule (A.) to this Act annexed, or to the like effect, to the Registrar of the district within which the Parties shall dwell, or if the Parties dwell in the districts of different Registrars, shall give the like notice to the Registrar of each district, and shall state therein the name and surname and the profession or condition of each of the Parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the church or other building in which the Marriage is to be solemnized, also that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said Marriage, and shall state whether each Party is of full age, or under the age of Twenty-one Years; and where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one Years, the Party giving such notice shall state therein the name and dwelling-place of the person or persons whose consent to such Marriage is required by law, and that his, her or their consent to the Marriage has been obtained, or else shall state, according as the fact may be, that there is no person having authority to give such consent; provided that if either Party shall have dwelt in the place stated in the notice during more than One calendar Month, it may be stated therein that he or she hath dwelt there One Month and upwards.

4. Registrar to keep Notices in a Book.

And be it Enacted, That the Registrar shall file all such notices, and from time to time, at such times as shall be fixed by the Registrar General, shall deliver them to the Superintendent Registrar of the district to be kept with the records of his office, and shall also forthwith copy all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and for every such entry the Registrar shall be entitled to have a fee of One Shilling: Provided always, That no such notice shall be received by any Registrar, unless two inhabitant householders of the Registrar's district, and known by the Registrar, shall personally appear before the Registrar at the time of the delivery of the notice, and certify thereon, under their hand, that to the best of their knowledge and belief, the contents of the notice are true, and the Parties intending Marriage are therein truly described.

5.
CLAUSE (B.)
After Seven Days or Twenty-one Days, Certificate of Notice to be given upon demand.

And be it Enacted, That after the expiration of Seven Days if the Marriage is to be solemnized by License, or of Twenty-one Days if the Marriage is to be solemnized without License, after the entry of such notice, the Registrar, upon being requested so to do by or on behalf of the Party by whom the notice was given, shall issue under his hand a Certificate in the form of Schedule (B.) to this Act annexed; provided that the issue of such Certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons whose consent to the Marriage is required by law; and every such Certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of Seven Days or of Twenty-one Days (as the case may be) has elapsed since the entry of such notice, and that the issue of such Certificate has not been forbidden by any person or persons whose consent to the Marriage is required by law; and for every such Certificate the Registrar shall be entitled to have a fee of One Shilling.

6.
CLAUSE (C.)
Certificates for Marriage by License to be distinguishable from other Certificates.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of Forms of Certificates, the cost of which shall be defrayed by the Registrar for whose use they shall be furnished, and shall be accounted for by the Superintendent Registrar to the Registrar General; and in order to distinguish the Certificates to be issued for Marriages by License from the Certificates to be issued for Marriages without License, a water-mark in the form of the word "License," in Roman letters, shall be laid and manufactured in the substance of the paper on which the Certificates to be issued for Marriage by License shall be written or printed; and every Certificate to be issued for Marriage by License shall be printed with red ink; and every Certificate to be issued for Marriage without License shall be printed with black ink; and such other distinctive marks between the two kinds of Certificate shall be used from time to time as shall seem fit to the Registrar General.

7.
CLAUSE (D.)
Issue of Registrar's Certificate may be forbidden.

And be it Enacted, That any person whose consent to any Marriage is required by law, may forbid the issue of the Registrar's Certificate, by writing at any time before the issue of such Certificate the word "forbidden" opposite to the entry of the notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the Parties, by reason of which his or her consent is so required, and in case the issue of any such Certificate shall have been so forbidden by any person whose consent to the Marriage is required by law, the notice, and all proceedings thereupon, shall be utterly void.

8.
Who are to give consent.

And be it Enacted, That after the said First day of March the like consent shall be required to any Marriage in *England*, whether solemnized with or without License, as would have been required by law to Marriages solemnized by License immediately before the passing of this Act.

9.
Superintendent Registrar may grant Licenses for Marriage.

And be it Enacted, That after the said First day of March every Superintendent Registrar shall have authority to grant Licenses for Marriage in any building registered as hereinafter provided, within any district under his superintendence, or in his office, in the form of Schedule (C.) to this Act annexed, and for every such License shall be entitled to have of the party requiring the same, the sum of Three Pounds above the value of the Stamps necessary on granting such License: Provided always, That no Superintendent Registrar shall grant any such License until he shall have given security by his bond, in the sum of One hundred Pounds, to the Registrar General for the due and faithful execution of his office: Provided also, That nothing herein contained shall authorize any Superintendent Registrar to grant any License for Marriage in any Church or Chapel in which Marriages may be solemnized according to the rites of the Church of *England*, or any License for Marriage in any registered building or office distant more than Seven Miles from the place where one of the parties shall have resided for Fifteen Days immediately before such License.

10.
Certificate to be given before the License is granted.

And be it Enacted, That before any License for Marriage shall be granted after the said First day of March one of the Parties intending marriage, shall appear personally before the Surrogate or Superintendent Registrar, or other person having authority to grant the License, and shall deliver to him the Registrar's Certificate; and before any License for Marriage shall be granted by any Superintendent Registrar, such Party shall make and subscribe a declaration under his or her hand, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that one of the said Parties hath for the space of Fifteen Days immediately before such License, had his or her usual place of abode within Seven Miles of the registered building or office within which such Marriage is to be solemnized, and where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one Years, that the consent of the person or persons whose consent to such Marriage is required by law, has been obtained thereto, or that there is no person having authority to give such consent, as the case may be, and all such Licenses and Declarations shall be respectively liable to the same Stamp Duties as Licenses for Marriage granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

11.
Caveat may be lodged with Superintendent Registrar against grant of License.

And be it Enacted, That any person, on payment of Five Shillings, may enter a Caveat with the Superintendent Registrar against the grant of a License for the Marriage of any person named therein, and if any Caveat be entered with the Superintendent Registrar, such Caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her Caveat is founded, no License shall issue or be granted until the Superintendent Registrar shall have examined into the matter of the Caveat, and is satisfied that it ought not to obstruct the grant of the License for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same: Provided that in cases of doubt, it shall be lawful for the Superintendent Registrar to refer the matter of any such Caveat to the Registrar General, who shall decide upon the same.

12.
Marriages not to be solemnized within Twenty-one Days of Registrar's entry of Notice, unless by License within Seven Days, or by Special License.

And be it Enacted, That after the said First day of March, no Marriage, unless by License, shall be solemnized or registered in *England* until after the expiration of Twenty-one Days after the day of the entry of such notice as aforesaid; and no Marriage (unless by Special License from the Archbishop of *Canterbury*) shall be solemnized by License or registered until after the expiration of Seven Days after the day of the entry of such notice as aforesaid: Provided always, That nothing herein contained shall affect the right of the Archbishop of *Canterbury* and his successors, and his and their proper officers, to grant Special Licenses to marry at any convenient time and place.

13.
New Notice required after Three Months.

And be it Enacted, That whenever a Marriage shall not be had within Three Months after certificate of notice shall have been so delivered by the Registrar, the notice and certificate, and any License which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void, and no person shall proceed to solemnize the Marriage, nor shall any Registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given at the time and in the manner aforesaid.

14.
CLAUSE (E.)
Registrar's Certificate or License to be delivered to the person by or before whom the Marriage is solemnized.

And be it Enacted, That the Registrar's Certificate, or the License, in case the Marriage is solemnized by License, shall be delivered to the officiating Minister, if the Marriage shall be solemnized according to the rites of the Church of *England*, or to the Registering Officer of the people called Quakers for the place where the Marriage is solemnized, if the same shall be solemnized according to the usages of the said people, or to the officer of a Synagogue by whom the Marriage is solemnized, if the same shall be solemnized according to the usages of persons professing the Jewish religion, and in all other cases shall be delivered to the Registrar present at the Marriage, as hereinafter provided.

15.
Places of Worship may be registered for solemnizing Marriages therein.

And be it Enacted, That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for solemnizing Marriages therein, and in such case shall deliver to the Superintendent Registrar a Certificate, signed in duplicate by Twenty Householders at the least, that such building has been used by them during One Year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which Certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered, and the Superintendent Registrar shall send both Certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the General Register Office, and the Registrar General shall endorse on both Certificates the date of the registry, and shall keep one Certificate with the other records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other records of his office; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a Certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the Certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the *London* Gazette, and for every such entry, certificate and publication, the Superintendent Registrar shall receive at the time of the delivery to him of the Certificates the sum of Five Pounds.

16.
On removal of the same Congregation, the new Place of Worship may be immediately registered, instead of the one disused.

And be it Enacted, That if at any time subsequent to the registry of any building for solemnizing Marriages therein, it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar

General shall cause the registry thereof to be cancelled: Provided, That if it shall be proved to the satisfaction of the Registrar General that the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship, instead of the disused building, although such new place of worship may not have been used for that purpose during One Year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the Registrar General by or through the Superintendent Registrar of the district, and such cancel or substitution, when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the fact, and the date thereof, in the book provided for the registry of such buildings, and shall certify and publish such cancel or substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the Superintendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of Five Pounds; and after such cancel or substitution shall have been made by the Registrar General, it shall not be lawful to solemnize any Marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

17.
Marriages may be solemnized in such registered places, in the presence of the Registrar and of Two Witnesses.

And be it Enacted, That after the expiration of the said period of Twenty-one Days, or of Seven Days if the Marriage is by license, Marriages may be solemnized in the registered building stated as aforesaid in the notice of such Marriage between and by the Parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, That every such Marriage shall be solemnized with open doors, between the hours of Eight and Twelve in the Forenoon, in the presence of the Registrar of the District in which such registered building is situate, and of Two or more credible Witnesses: Provided also, That in some part of the ceremony, and in the presence of the Registrar and Witnesses, each of the Parties shall say to the other

> " I call upon these persons here present to witness that I, *A. B.* do take thee, *C. D.*, to be my lawful wedded Wife [*or*, Husband]."

Provided also, That there be no lawful impediment to the Marriage of such Parties.

18.
Marriages may be celebrated before the Superintendent Registrar.

And be it Enacted, That any persons who shall object to marry under the provisions of this Act in any such registered building, may, after due notice and certificate issued as aforesaid, contract and solemnize Marriage at the office and in the presence of the Superintendent

tendent Registrar, and of the Registrar of the District in which the office is situated, and in the presence of Two Witnesses, with open doors, and between the hours aforesaid, using the form of words hereinbefore provided, in the case of Marriage in any such registered building.

19.
Clause (F.)
Marriage Fees to the Registrar and Superintendent Registrar.

And be it Enacted, That the Registrar shall be entitled for every Marriage which shall be solemnized under this Act in his presence, whether in a registered building or at the Office of the Superintendent Registrar, to have from the Parties married the sum of Five Shillings, and the Superintendent Registrar shall be entitled for every Marriage which shall be solemnized under this Act at his office, and in his presence, to have from the Parties married the sum of Ten Shillings, if the Marriage shall be by License, and otherwise the sum of Five Shillings.

20.
Registrar to register all Marriages solemnized before him; Marriage Register Books to be sent to the Superintendent Registrar, and a certified Copy to the Registrar General.

And be it Enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his presence, in a Marriage Register Book to be furnished to him for that purpose, from time to time, by the Registrar General, according to the form provided for the Registration of Marriages by an Act made in this present Session of Parliament, intituled, "An Act for registering Births, Deaths and Marriages in *England*," the cost of which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and every entry of such Marriage shall be signed by the person by or before whom the Marriage shall have been solemnized, if there shall be any such person, and by the Registrar, and also by the parties married, and attested by Two Witnesses; and every such entry shall be made in order from the beginning to the end of the book.

21.
Clause (G.)
Copies of the Marriage Register Book to be given quarterly to the Superintendent Registrar.

And be it Enacted, That in every year, on such days as shall from time to time be appointed by the Registrar General within One calendar Month next after the First day of April, the First day of July, the First day of October and the First day of January respectively, every Registrar shall make and deliver to the Superintendent Registrar of his district a true copy, certified by him, under his hand, according to the form of Schedule (D.) to this Act annexed, of all the entries of Marriage in the Register Book kept by him since the last delivery, and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same under his hand to be a true copy; and if there shall have been no Marriage registered since the delivery of the last certified Copy, the Registrar shall certify the fact, and such Certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him, and the Registrar shall keep safely the said Register Book until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his Office.

22.
Proof of Residence of Parties or consent not necessary to establish the Marriage.

And be it Enacted, That after any Marriage shall have been solemnized, it shall not be necessary, in support of such Marriage, to give any proof of the actual dwelling of either of the parties, previous to the Marriage, within the district wherein such Marriage was solemnized, for the time required by this Act, or of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage.

23.
Marriages under this Act to be cognizable as Marriages of the Church of England.

And be it Enacted, That every Marriage solemnized under this Act shall be good and cognizable in like manner as Marriages before the passing of this Act, according to the rites of the Church of *England*.

24.
Penalty on Persons married refusing to answer questions.

And be it Enacted, That it shall be lawful for the Registrar before whom any Marriage is solemnized according to the provisions of this Act, to ask of the parties to be married, and of the parties certifying the truth of the notice, the several particulars required to be registered touching such Marriage, and every such person who shall refuse, or without reasonable cause neglect to answer according to the best of his or her belief, shall forfeit and pay a sum not exceeding Fifty Pounds.

25.
Persons vexatiously entering Caveat, liable to Costs and Damages.

And be it Enacted, That every person who shall enter a Caveat with the Superintendent Registrar, against the grant of any License, on grounds which the Superintendent Registrar or Registrar General shall declare to be frivolous, and that they ought not to obstruct the grant of the License, shall be liable for the costs of the proceedings and for damages to be recovered in a special action upon the case, by the Party against whose Marriage such Caveat shall have been entered.

26.
Persons making false Declarations, &c. guilty of Perjury.

And be it Enacted, That every person who shall knowingly and wilfully make any false declaration, or sign any false notice or Certificate required by this Act, for the purpose of procuring any Marriage; and every person who shall forbid the issue of any Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall suffer the penalties of Perjury.

27.
Persons unduly solemnizing Marriage guilty of Felony.

And be it Enacted, That every person who shall knowingly and wilfully solemnize any Marriage in *England*, after the said First day of March in any other place than a Church or Chapel in which Marriages may be solemnized according to the rites of the Church of *England*, or some building registered as aforesaid, shall be guilty of Felony (except any Superintendent Registrar solemnizing Marriage in his Office according to the provisions of this Act, and except in the case of a Marriage between two of the Society of Friends, commonly called Quakers, according to the usages of the said Society, or between two persons professing the Jewish religion according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize any Marriage in the absence of the Registrar of the district in which such registered building or office is situated, shall be guilty of Felony; and every person who shall knowingly and wilfully solemnize any Marriage in *England*, after the said First day of March (except by License) within Twenty-one Days after the entry of notice by the Registrar as aforesaid, or if the Marriage is by License, within Seven Days after such entry (except by special License from the Archbishop of *Canterbury*) shall be guilty of Felony.

28.
CLAUSE (H.)
Registrars unduly issuing Certificates guilty of Felony.

And be it Enacted, That every Registrar who shall knowingly and wilfully issue any Certificate for Marriage by License before the expiration of Seven Days after the entry of the notice, or any Certificate for Marriage without License before the expiration of Twenty-one Days after the entry of the notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person whose consent to the intended Marriage is required by law, or who shall knowingly and wilfully register any Marriage herein declared to be null and void, shall be guilty of Felony.

29.
CLAUSE (I.)
Limitation of Prosecution.

And be it Enacted, That every prosecution under this Act shall be commenced within the space of Three Years after the offence committed.

30.
Marriages void if unduly solemnized with the knowledge of both parties.

And be it Enacted, That if any persons, except in the case of persons legally marrying according to the rites of the Church of *England*, or in the case of two Quakers or two Jews, marrying according to the usages of the Quakers or Jews respectively, shall knowingly and wilfully intermarry after the said First day of March in any place other than a building registered as aforesaid, or the office of the Superintendent Registrar, or if any persons shall knowingly and willfully intermarry after the said First day of March, either according to the rites of the Church of *England*, or according to the usages of the Quakers or Jews, or according to any form authorized by this Act, without License, in case a License is necessary under this Act, or in the absence of the Registrar, in any registered building or any Superintendent Registrar's Office, or without due notice to the Registrar, (except by Special License) or within the time herein provided to elapse between Marriage, and the entry of Notice of such intended Marriage by the Registrar, the Marriage of such persons shall be null and void.

31.
In cases of fraudulent Marriages, the guilty party to forfeit all Property accruing

And be it Enacted, That if any valid Marriage shall be had under the provisions of this Act, by means of any wilfully false notice, certificate or declaration, made by either Party to such Marriage, as to any matter to which a notice, certificate or declaration is herein required it shall be lawful for His Majesty's Attorney-General or Solicitor-General to sue for a forfeiture of all estate and interest in any property accruing to the offending Party by such Marriage, and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to Marriages solemnized by License before the passing of this Act, according to the rites of the Church of *England*.

from the Marriage, as in 4 Geo. 4. c. 76. s. 23, &c.

32.
CLAUSE (K.)
Provisions of Registry Act in respect of Marriages, extended to this Act.

And be it Enacted, That this Act shall be taken to be part of the said Act for registering Births, Deaths and Marriages, as fully and effectually as if incorporated therewith, and that all the provisions and penalties of the said Act relating to any Register of Marriages, or certified Copies thereof, shall be taken to extend to the Registers of Marriages to be solemnized under this Act, and to the certified Copies thereof, so far as the same are applicable thereunto.

33.
Act to extend only to England, and not to extend to the Royal Family.

And be it Enacted, That this Act shall extend only to *England*, and shall not extend to the Marriage of any of the Royal Family.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Stepney*.

I HEREBY give you Notice, That a Marriage is intended to be had, within Three calendar Months from the date hereof, between me and the other Party herein named and described; (that is to say)

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	Persons consenting whose consent is required by Law.	
						Name.	Dwelling Place.
James Smith -	*Carpenter* -	*Of full Age*	*16 High-street* -	*23 Days* - -	*Sion Chapel, West-street, Stepney.*	*No such Person.*	—
Martha Green -	*Spinster* - -	*Minor* -	*Grove Farm* - -	*More than a Month.*		*Anna Green (Mother)*	*Grove Farm.*

Believing that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

Witness my hand this *Sixth* day of *May 1837*.
(signed) *James Smith.*

We, *Thomas Brown*, of *Park-street*, and *James Willis*, of *London Road*, do hereby certify, that the above-named Parties are known by us, and that, to the best of our knowledge and belief, the contents of this Notice are true, and the Parties are herein truly described.

(signed) *Thomas Brown.*
James Willis.

[The *italics* in this Schedule to be filled up as the case may be.]

SCHEDULE (B.)

No. 14.

REGISTRAR'S CERTIFICATE.

I, *John Cox*, Registrar of the District of *Stepney*, do hereby certify, That on the *Sixth* day of *May 1837*, I duly entered in the Marriage Notice Book of the said District, the Notice of the Marriage intended between the Parties therein named and described, delivered to me under the hand of *James Smith*, one of the Parties; (that is to say)

Name.	Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	Persons consenting whose consent is required by Law.	
						Name.	Dwelling Place.
James Smith -	*Carpenter* -	*Of full Age*	*16 High-street* -	*23 Days.*	*Sion Chapel, West-street, Stepney.*	*No such Person.*	—
Martha Green -	*Spinster* -	*Minor* -	*Grove Farm* - -	*More than a Month.*		*Anna Green (Mother)*	*Grove Farm.*

Certified at the time of the delivery thereof by *Thomas Brown*, of *Park-street*, and *James Willis*, of *London Road*, two Householders of the said District.

Date of Notice entered *6th May 1837.*
Date of Certificate given *27th May 1837.* } The issue of this Certificate has not been forbidden by any person whose consent to the marriage is required by law.

Witness my hand this *Twenty-seventh* day of *May One thousand eight hundred and Thirty-seven.*

(signed) *John Cox*,
Registrar.

[The *italics* in this Schedule to be filled up as the case may be.]

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SCHEDULE (C.)

LICENSE OF MARRIAGE.

A. B., Superintendent Registrar of
to *C. D.* of and *E. F.* of

Sendeth Greeting:

WHEREAS ye are minded, as it is said, to enter into a contract of Marriage, under the provisions of an Act made in the Sixth year of the reign of His Majesty King WILLIAM the Fourth, intituled, [*here insert the title of this Act*], and are desirous that the same may be speedily and publicly solemnized;

I do hereby grant unto you full License, according to the authority in that behalf given to me by the said Act, to proceed to solemnize such Marriage, and to the Registrar of the District of [*here insert the name of the District in which the Marriage is to be solemnized*] to register such Marriage according to law: Provided that no impediment of kindred or alliance shall appear, nor any other lawful hindrance to the said Marriage: Provided also, that the said Marriage be publicly solemnized in the presence of the said Registrar and of Two Witnesses, within Three calendar Months from the [*here insert the date of the Registrar's Certificate*] in the [*here describe the building in which the Marriage is to be solemnized, according to the registry thereof*], between the hours of Eight and Twelve in the Forenoon.

Given under my hand this day of
One thousand eight hundred and
(signed) *A. B.*
Superintendent Registrar.

SCHEDULE (D.)

I, *John Cox*, Registrar, of the District of *Stepney*, in the County of *Middlesex*, Do hereby certify, That this is a true copy of the entries of Marriage registered in the said District from the entry of the Marriage of *John Wood* and *Ann Simpson*, Number *One*, to the entry of the Marriage of *James Smith* and *Martha Green*, Number *Fourteen*.

Witness my hand, this *First* day of *July 1837*.

(signed) *John Cox*,
Registrar.

[The *italics* in this Schedule to be filled up as the case may be.]

Marriages.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For Marriages in *England.*

(Prepared and brought in by
Lord John Russell, Mr. Chancellor of the
Exchequer, and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
18 *April* 1836.

195.

17 *June* 1836.—6 WILL. IV.

A

BILL

[AS AMENDED ON THE REPORT]

For Marriages in *England*.

[N. B.—*The Clauses marked* (A.) *to* (K.) *were added by the Committee.*]

Preamble.

1. Banns need not be published after the 1st of March 1837.

WHEREAS it is expedient to amend the Law of Marriages in *England*; **BE it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven, no Parson, Vicar, Minister or Curate in *England* shall publish the Banns of Matrimony between any persons whatsoever, except Banns for the second or third time which shall have been published for the first or second time on or before the said First day of March, which may be published as if this Act had not been passed; and that all the rules prescribed by the Rubrick concerning the solemnizing of Marriages, (except as to the publishing of banns) and not hereby altered, shall continue to be duly observed by every person in Holy Orders of the Church of *England* who shall solemnize any Marriage in *England* after the said First day of March: Provided always, That where by any law or canon in force before the passing of this Act, it is provided that any Marriage may be solemnized after publication of banns, such Marriage may be solemnized in like manner on production of the Registrar's Certificate, without license, as hereinafter provided, and that the giving of notice to the Registrar, and issue of the Registrar's Certificate, without license, as hereinafter provided, shall be used and stand instead of the publication of banns to all intents and purposes.

2. CLAUSE (A.) Marriages of Quakers and Jews.

And be it Enacted, That the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize Marriage according to the usages of the said Society and of the said persons respectively; and every such Marriage is hereby declared and confirmed good in law, provided that the Parties to such Marriage be both of the said Society, or both persons professing the Jewish religion respectively: Provided also, That notice to the Registrar shall have been given, and the Registrar's certificate shall have issued in manner hereinafter provided.

3.
Notice of every intended Marriage to be given to the Registrar.

And be it Enacted, That in every case of Marriage intended to be solemnized in *England* after the said First day of March (except by Special License), whether according to the rites of the Church of *England*, or according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the Parties shall give notice under his or her hand in the form of Schedule (A.) to this Act annexed, or to the like effect, to the Registrar of the district within which the Parties shall have dwelt for not less than Seven Days then next preceding, or if the Parties dwell in the districts of different Registrars, shall give the like notice to the Registrar of each district, and shall state therein the name and surname and the profession or condition of each of the Parties intending marriage, the dwelling-place of each of them, the time not being less than Seven Days during which each has dwelt therein, and the church or other building in which the Marriage is to be solemnized, also that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said Marriage, and shall state whether each Party is of full age, or under the age of Twenty-one Years; and in every case of Marriage by license, where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one Years, the Party giving such notice shall state therein the name and dwelling-place of the person or persons whose consent to such Marriage is required by law, and that his, her or their consent to the Marriage has been obtained, or else shall state, according as the fact may be, that there is no person having authority to give such consent; provided that if either Party shall have dwelt in the place stated in the notice during more than One calendar Month, it may be stated therein that he or she hath dwelt there One Month and upwards: Provided also, That in every case in which the banns of Matrimony shall have been published for the first time on or before the said First day of March, the Marriage may be solemnized without notice to the Registrar, after due publication of banns, in like manner as if this Act had not been passed.

4.
Registrar to keep Notices in a Book.

And be it Enacted, That the Registrar shall file all such notices, and from time to time, at such times as shall be fixed by the Registrar General, shall deliver them to the Superintendent Registrar of the district to be kept with the records of his office, and shall also forthwith copy all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and for every such entry the Registrar shall be entitled to have a fee of One Shilling: Provided always, That no such notice shall be received by any Registrar, unless two inhabitant householders of the Registrar's district, and known by the Registrar, shall personally appear before the Registrar at the time of the delivery of the notice, and certify thereon, in the presence of the party delivering the same, under their hand, that to the best of their knowledge and belief, the contents of the notice are true, and the Parties intending Marriage are therein truly described: Provided also, That if the Parties dwell in different districts, it shall be sufficient in each case if the said two householders shall certify their knowledge and belief of the truth of the contents of the said notice, so far only as relates to the Party dwelling in the district of which they are householders.

5.
CLAUSE (B.)
After Seven Days or Twenty-one Days, Certificate of Notice to be given upon demand.

And be it Enacted, That after the expiration of Seven Days if the Marriage is to be solemnized by License, or of Twenty-one Days if the Marriage is to be solemnized without License, after the delivery of such notice, the Registrar, upon being requested so to do by or on behalf of the Party by whom the notice was given, shall issue under his hand a Certificate in the form of Schedule (B.) to this Act annexed; provided that no lawful impediment be shown to the satisfaction of the Registrar why such Certificate should not issue; and provided that the issue of such Certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such Certificate shall state the particulars set forth in the notice, the day on which the notice was delivered, and that the full period of Seven Days or of Twenty-one Days (as the case may be) has elapsed since the delivery of such notice, and that the issue of such Certificate has not been forbidden by any person or persons authorized in that behalf; and for every such Certificate the Registrar shall be entitled to have a fee of One Shilling.

6.
CLAUSE (C.)
Certificates for Marriage by License to be distinguishable from other Certificates.

And be it Enacted, That the Registrar Genera shall furnish to every Superintendent Registrar, fo the use of the Registrars under his superintendence, a sufficient number of Forms of Certificates, the cost of which shall be defrayed by the Registrar for whose use they shall be furnished, and shall be accounted for by the Superintendent Registrar to the Registrar General; and in order to distinguish the Certificates to be issued for Marriages by License from the Certificates to be issued for Marriages without License, a water-mark in the form of the word "License," in Roman letters, shall be laid and manufactured in the substance of the paper on which the Certificates to be issued for Marriage by License shall be written or printed; and every Certificate to be issued for Marriage by License shall be printed with red ink; and every Certificate to be issued for Marriage without License shall be printed with black ink; and such other distinctive marks between the two kinds of Ceritficate shall be used from time to time as shall seem fit to the Registrar General.

7.
CLAUSE (D.)
Issue of Registrar's Certificate may be forbidden.

And be it Enacted, That any person authorized in that behalf, may forbid the issue of the Registrar's Certificate, by writing at any time before the issue of such Certificate the word "forbidden" opposite to the entry of the notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the Parties, by reason of which he or she is so authorized, and in case the issue of any such Certificate shall have been so forbidden, the notice, and all proceedings thereupon, shall be utterly void.

8.
Who are to give consent.

And be it Enacted, That after the said First day of March the like consent shall be required to any Marriage in *England*, solemnized by License, as would have been required by law to Marriages solemnized by License immediately before the passing of this Act; and every person whose consent to a Marriage by License is required by law, is hereby authorized to forbid the issue of the Registrar's Certificate, whether the Marriage is intended to be by License or without License.

9.
Superintendent Registrar may grant Licenses for Marriage.

And be it Enacted, That after the said First day of March every Superintendent Registrar shall have authority to grant Licenses for Marriage in any building registered as hereinafter provided, within any district under his superintendence, or in his office, in the form of Schedule (C.) to this Act annexed, and for every such License shall be entitled to have of the party requiring the same, the sum of Three Pounds above the value of the Stamps necessary on granting such License; and every Superintendent Registrar shall four times in every year on such days as shall be appointed by the Registrar General, make a return to the Registrar General of every License granted by him since his last return, and of the particulars stated concerning the parties in the Registrar's Certificate: Provided always, That no Superintendent Registrar shall grant any such License until he shall have given security by his bond, in the sum of One hundred Pounds, to the Registrar General for the due and faithful execution of his office: Provided also, That nothing herein contained shall authorize any Superintendent Registrar to grant any License for Marriage in any Church or Chapel in which Marriages may be solemnized according to the rites of the Church of *England*, or in any Church or Chapel belonging to the Church of *England*, or licensed for the celebration of Divine Worship according to the rites and ceremonies of the Church of *England*, or any License for Marriage in any registered building or office distant more than Seven Miles from the place where one of the parties shall have resided for Fifteen Days immediately before such License.

10\.
Certificate to be given before the License is granted.

And be it Enacted, That before any License for Marriage shall be granted, by any authority ecclesiastical or otherwise, after the said First day of March, one of the Parties intending marriage shall appear personally before the Surrogate or Superintendent Registrar, or other person having authority to grant the License, and shall deliver to him the Registrar's Certificate, or in case the Parties shall have given notice to the Registrars of different districts, the Certificate of each Registrar; and before any License for Marriage shall be granted by any Superintendent Registrar, such Party shall make and subscribe a declaration under his or her hand, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that one of the said Parties hath for the space of Fifteen Days immediately before such License, had his or her usual place of abode within Seven Miles of the registered building or office within which such Marriage is to be solemnized, and where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one Years, that the consent of the person or persons whose consent to such Marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be, and all such Licenses and Declarations shall be respectively liable to the same Stamp Duties as Licenses for Marriage granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

11\.
Caveat may be lodged with Superintendent Registrar against grant of License.

And be it Enacted, That any person, on payment of Five Shillings, may enter a Caveat with the Superintendent Registrar against the grant of a License for the Marriage of any person named therein, and if any Caveat be entered with the Superintendent Registrar, such Caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her Caveat is founded, no License shall issue or be granted until the Superintendent Registrar shall have examined into the matter of the Caveat, and is satisfied that it ought not to obstruct the grant of the License for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same: Provided that in cases of doubt, it shall be lawful for the Superintendent Registrar to refer the matter of any such Caveat to the Registrar General, who shall decide upon the same.

12.

Marriages not to be solemnized within Twenty-one Days of Registrar's entry of Notice, unless by License within Seven Days, or by Special License.

And be it Enacted, That after the said First day of March, no Marriage, unless by License, shall be solemnized or registered in *England* until after the expiration of Twenty-one Days after the day of the entry of such notice as aforesaid; and no Marriage (unless by Special License from the Archbishop of *Canterbury*) shall be solemnized by License or registered until after the expiration of Seven Days after the day of the delivery of such notice as aforesaid: Provided always, That nothing herein contained shall affect the right of the Archbishop of *Canterbury* and his successors, and his and their proper officers, to grant Special Licenses to marry at any convenient time and place: Provided also, That nothing herein contained shall prevent any Marriage from being solemnized as if this Act had not been passed, of which the banns shall have been published for the first time on or before the said First day of March.

13.

New Notice required after Three Months.

And be it Enacted, That whenever a Marriage shall not be had within Three calendar Months after the notice shall have been so delivered to the Registrar, the notice and certificate, and any License which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void, and no person shall proceed to solemnize the Marriage, nor shall any Registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given at the time and in the manner aforesaid.

14.

Clause (E.)
Registrar's Certificate or License to be delivered to the person by or before whom the Marriage is solemnized.

And be it Enacted, That the Registrar's Certificate, or in case the parties shall have given notice to the Registrars of different districts, the Certificate of each Registrar, or the License, in case the Marriage is solemnized by License, shall be delivered to the officiating Minister, if the Marriage shall be solemnized according to the rites of the Church of *England*, or to the Registering Officer of the people called Quakers for the place where the Marriage is solemnized, if the same shall be solemnized according to the usages of the said people, or to the officer of a Synagogue by whom the Marriage is solemnized, if the same shall be solemnized according to the usages of persons professing the Jewish religion, and in all other cases shall be delivered to the Registrar present at the Marriage, as hereinafter provided.

15.

Places of Worship may be registered for solemnizing Marriages therein.

And be it Enacted, That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for solemnizing Marriages therein, and in such case shall deliver to the Superintendent Registrar a Certificate, signed in duplicate by Twenty Householders at the least, that such building has been used by them during One Year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which Certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered, and the Superintendent Registrar shall send both Certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the General Register Office, and the Registrar General shall endorse on both Certificates the date of the registry, and shall keep one Certificate with the other records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other records of his office; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a Certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the Certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the *London* Gazette, and for every such entry, certificate and publication, the Superintendent Registrar shall receive at the time of the delivery to him of the Certificates the sum of Three Pounds.

16.
On removal of the same Congregation, the new Place of Worship may be immediately registered, instead of the one disused.

And be it Enacted, That if at any time subsequent to the registry of any building for solemnizing Marriages therein, it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar General shall cause the registry thereof to be cancelled: Provided, That if it shall be proved to the satisfaction of the Registrar General that the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship, instead of the disused building, although such new place of worship may not have been used for that purpose during One Year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the Registrar General by or through the Superintendent Registrar of the district, and such cancel or substitution, when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the fact, and the date thereof, in the book provided for the registry of such buildings, and shall certify and publish such cancel or substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the Superintendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of Three Pounds; and after such cancel or substitution shall have been made by the Registrar General, it shall not be lawful to solemnize any Marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

17.
Marriages may be solemnized in such registered places, in the presence of the Registrar and of Two Witnesses.

And be it Enacted, That after the expiration of the said period of Twenty-one Days, or of Seven Days if the Marriage is by license, Marriages may be solemnized in the registered building stated as aforesaid in the notice of such Marriage between and by the Parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, That every such Marriage shall be solemnized with open doors, between the hours of Eight and Twelve in the Forenoon, in the presence of the Registrar of the District in which such registered building is situate, and of Two or more credible Witnesses: Provided also, That in some part of the ceremony, and in the presence of the Registrar and Witnesses, each of the Parties shall declare,

> "I do solemnly declare, that I know not of any lawful impediment why I, *A. B.* may not be joined in matrimony to *C. D.*"

and each of the Parties shall say to the other,

> "I call upon these persons here present to witness, that I, *A. B.* do take thee, *C. D.*, to be my lawful wedded Wife [*or*, Husband]."

Provided also, That there be no lawful impediment to the Marriage of such Parties.

18.
Marriages may be celebrated before the Superintendent Registrar.

And be it Enacted, That any persons who shall object to marry under the provisions of this Act in any such registered building, may, after due notice and certificate issued as aforesaid, contract and solemnize Marriage at the office and in the presence of the Superintendent Registrar, and of the Registrar of the District in which the office is situated, and in the presence of Two Witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided, in the case of Marriage in any such registered building; provided that at the time of such Marriage, each of the Parties shall declare to the Superintendent Registrar,

> "I do solemnly declare, that I have conscientious scruples against marrying in any Church or Chapel, or with any religious ceremony."

19.
Clause (F.)
Marriage Fees to the Registrar and Superintendent Registrar.

And be it Enacted, That the Registrar shall be entitled for every Marriage which shall be solemnized under this Act in his presence, whether in a registered building or at the Office of the Superintendent Registrar, to have from the Parties married the sum of Five Shillings, and the Superintendent Registrar shall be entitled for every Marriage which shall be solemnized under this Act at his office, and in his presence, to have from the Parties married the sum of Ten Shillings, if the Marriage shall be by License, and otherwise the sum of Five Shillings.

20.
Registrar to register all Marriages solemnized before him; Marriage Register Books to be sent to the Superintendent Registrar, and a certified Copy to the Registrar General.

And be it Enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his presence, in a Marriage Register Book to be furnished to him for that purpose, from time to time, by the Registrar General, according to the form provided for the Registration of Marriages by an Act made in this present Session of Parliament, intituled, "An Act for registering Births, Deaths and Marriages in *England*," the cost of which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and every entry of such Marriage shall be signed by the person by or before whom the Marriage shall have been solemnized, if there shall be any such person, and by the Registrar, and also by the parties married, and attested by Two Witnesses; and every such entry shall be made in order from the beginning to the end of the book.

21.
CLAUSE (G.)
Copies of the Marriage Register Book to be given quarterly to the Superintendent Registrar.

And be it Enacted, That in every year, on such days as shall from time to time be appointed by the Registrar General within One calendar Month next after the First day of April, the First day of July, the First day of October and the First day of January respectively, every Registrar shall make and deliver to the Superintendent Registrar of his district a true copy, certified by him, under his hand, according to the form of Schedule (D.) to this Act annexed, of all the entries of Marriage in the Register Book kept by him since the last delivery, and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same under his hand to be a true copy; and if there shall have been no Marriage registered since the delivery of the last certified Copy, the Registrar shall certify the fact, and such Certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him, and the Registrar shall keep safely the said Register Book until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his Office.

22.
Proof of Residence of Parties or consent not necessary to establish the Marriage.

And be it Enacted, That after any Marriage shall have been solemnized, it shall not be necessary, in support of such Marriage, to give any proof of the actual dwelling of either of the parties, previous to the Marriage, within the district wherein such Marriage was solemnized, for the time required by this Act, or of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage.

23.
Marriages under this Act to be cognizable as Marriages of the Church of England.

And be it Enacted, That every Marriage solemnized under this Act shall be good and cognizable in like manner as Marriages before the passing of this Act, according to the rites of the Church of *England*.

24. Penalty on Persons married refusing to answer questions.

And be it Enacted, That it shall be lawful for the Registrar before whom any Marriage is solemnized according to the provisions of this Act, to ask of the parties to be married, and of the parties certifying the truth of the notice, the several particulars required to be registered touching such Marriage, and every such person who shall refuse, or without reasonable cause neglect to answer according to the best of his or her belief, shall forfeit and pay a sum not exceeding Fifty Pounds.

25. Persons vexatiously entering Caveat, liable to Costs and Damages.

And be it Enacted, That every person who shall enter a Caveat with the Superintendent Registrar, against the grant of any License, on grounds which the Superintendent Registrar or Registrar General shall declare to be frivolous, and that they ought not to obstruct the grant of the License, shall be liable for the costs of the proceedings and for damages to be recovered in a special action upon the case, by the Party against whose Marriage such Caveat shall have been entered.

26. Persons making false Declarations, &c. guilty of Perjury.

And be it Enacted, That every person who shall knowingly and wilfully make any false declaration, or sign any false notice or Certificate required by this Act, for the purpose of procuring any Marriage; and every person who shall forbid the issue of any Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall suffer the penalties of Perjury.

27. Persons unduly solemnizing Marriage guilty of Felony.

And be it Enacted, That every person who after the said First day of March shall knowingly and wilfully solemnize any Marriage in *England*, except by Special License, in any other place than a Church or Chapel in which Marriages may be solemnized according to the rites of the Church of *England*, or than the registered building or office specified in the Notice and Certificate as aforesaid, shall be guilty of Felony (except in the case of a Marriage between two of the Society of Friends, commonly called Quakers, according to the usages of the said Society, or between two persons professing the Jewish religion according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize any Marriage in the absence of the Registrar of the district in which such registered building or office is situated, shall be guilty of Felony; and every person who shall knowingly and wilfully solemnize any Marriage in *England* after the said First day of March (except by License) within Twenty-one Days after the delivery of the notice to the Registrar as aforesaid, or if the Marriage is by License, within Seven Days after such delivery (except by special License from the Archbishop of *Canterbury*), or after Three calendar Months after such delivery, shall be guilty of Felony.

28.
CLAUSE (H.)
Registrars unduly issuing Certificates guilty of Felony.

And be it Enacted, That every Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of Three calendar Months after the notice shall have been delivered to him as aforesaid, or any Certificate for Marriage by License before the expiration of Seven Days after the delivery of the notice, or any Certificate for Marriage without License before the expiration of Twenty-one Days after the delivery of the notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the Registrar's Certificate, or who shall knowingly and wilfully register any Marriage herein declared to be null and void, and every Superintendent Registrar who shall knowingly and wilfully issue any License for Marriage after the expiration of Three calendar Months after the notice shall have been delivered to the Registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any Marriage herein declared to be null and void, shall be guilty of Felony.

29.
CLAUSE (I.)
Limitation of Prosecution.

And be it Enacted, That every prosecution under this Act shall be commenced within the space of Three Years after the offence committed.

30.
Marriages void if unduly solemnized with the knowledge of both parties.

And be it Enacted, That if any persons, except in the case of persons legally marrying by Special License, or in a Church or Chapel in which Marriages may be legally solemnized according to the rites of the Church of *England*, or in the case of two Quakers or two Jews, marrying according to the usages of the Quakers or Jews respectively, shall knowingly and wilfully intermarry after the said First day of March in any place other than the registered building or office specified in the notice and Certificate as aforesaid, or if any persons shall knowingly and wilfully intermarry after the said First day of March, either according to the rites of the Church of *England*, or according to the usages of the Quakers or Jews, or according to any form authorized by this Act, without License, in case a License is necessary under this Act, or in the absence of the Registrar, in any registered building or any Superintendent Registrar's Office, or without due notice to the Registrar, (except by Special License) or within the time herein provided to elapse between Marriage, and the delivery of Notice of such intended Marriage to the Registrar, the Marriage of such persons, except in any case hereinbefore excepted, shall be null and void.

31.
In cases of fraudulent Marriages, the guilty party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. s. 23, &c.

And be it Enacted, That if any valid Marriage shall be had under the provisions of this Act, by means of any wilfully false notice, certificate or declaration, made by either Party to such Marriage, as to any matter to which a notice, certificate or declaration is herein required it shall be lawful for His Majesty's Attorney-General or Solicitor-General to sue for a forfeiture of all estate and interest in any property accruing to the offending Party by such Marriage, and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to Marriages solemnized by License before the passing of this Act, according to the rites of the Church of *England.*

32.
Clause (K.) Provisions of Registry Act in respect of Marriages extended to this Act.

And be it Enacted, That this Act shall be taken to be part of the said Act for registering Births, Deaths and Marriages, as fully and effectually as if incorporated therewith, and that all the provisions and penalties of the said Act relating to any Register of Marriages, or certified Copies thereof, shall be taken to extend to the Registers of Marriages to be solemnized under this Act, and to the certified Copies thereof, so far as the same are applicable thereunto.

33.
Act to extend only to England, and not to extend to the Royal Family.

And be it Enacted, That this Act shall extend only to *England*, and shall not extend to the Marriage of any of the Royal Family.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Stepney*, in the County of *Middlesex*.

I HEREBY give you Notice, That a Marriage is intended to be had, within Three calendar Months from the date hereof, between me and the other Party herein named and described; (that is to say)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	Persons consenting whose consent is required by Law to a Marriage by License.		District and County in which the other Party dwells, when the Parties dwell in different Districts.
							Name.	Dwelling Place.	
James Smith	*Widower*	*Carpenter* -	*Of full Age*	*16 High-street*	*23 Days* -	*Sion Chapel, West-street, Stepney, Middlesex.*	*No such Person.*	—	*Lewisham, Kent.*
Martha Green	*Spinster* -	- - -	*Minor* -	*Grove Farm* -	*More than a Month.*		*Anna Green (Mother.)*	*Grove Farm*	

Believing that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

Witness my hand this *Sixth* day of *May 1837.*

(signed) *James Smith.*

We, *Thomas Brown*, of *Park-street*, and *James Willis*, of *London Road*, do hereby certify, that the above-named *Parties are* known by us, and that, to the best of our knowledge and belief, the contents of this Notice are true, and the *Parties are* herein truly described.

(signed) *Thomas Brown.*
James Willis.

[The *italics* in this Schedule to be filled up as the case may be.]

SCHEDULE (B.)

No. 14.

REGISTRAR'S CERTIFICATE.

I, *John Cox*, Registrar of the District of *Stepney*, in the County of *Middlesex*, do hereby certify, That on the day of , Notice was duly entered in the Marriage Notice Book of the said District, of the Marriage intended between the Parties therein named and described, delivered under the hand of *James Smith*, one of the Parties; (that is to say)

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	Persons consenting whose consent is required by Law to a Marriage by License.		District and County in which the other Party dwells, where the Parties dwell in different Districts.
							Name.	Dwelling Place.	
James Smith	*Widower*	*Carpenter* -	*Of full Age*	*16 High-street*	*23 Days.*	*Sion Chapel, West-street, Stepney, Middlesex.*	*No such Person*	—	*Lewisham, Kent.*
Martha Green	*Spinster* -	- - -	*Minor* -	*Grove Farm* -	*More than a Month.*		*Anna Green (Mother)*	*Grove Farm.*	

Certified at the time of the delivery thereof by *Thomas Brown*, of *Park-street*, and *James Willis*, of *London Road*, *two* Householders of the said *District*.

Date of Notice entered *6th May 1837.* } The issue of this Certificate has not been forbidden by any person authorized to forbid
Date of Certificate given *27th May 1837.* } the issue of the Registrar's Certificate.

Witness my hand this *Twenty-seventh* day of *May One thousand eight hundred and Thirty-seven.*

(signed) *John Cox*,
Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the day of

[The *italics* in this Schedule to be filled up as the case may be.]

SCHEDULE (C.)

LICENSE OF MARRIAGE.

A. B., Superintendent Registrar of
to *C. D.* of and *E. F.* of

Sendeth Greeting:

WHEREAS ye are minded, as it is said, to enter into a contract of Marriage, under the provisions of an Act made in the Sixth year of the reign of His Majesty King WILLIAM the Fourth, intituled, [*here insert the title of this Act*], and are desirous that the same may be speedily and publicly solemnized;

I do hereby grant unto you full License, according to the authority in that behalf given to me by the said Act, to proceed to solemnize such Marriage, and to the Registrar of the District of [*here insert the name of the District in which the Marriage is to be solemnized*] to register such Marriage according to law: Provided that no impediment of kindred or alliance shall appear, nor any other lawful hindrance to the said Marriage: Provided also, that the said Marriage be publicly solemnized in the presence of the said Registrar and of Two Witnesses, within Three calendar Months from the [*here insert the date of the Registrar's Certificate*] in the [*here describe the building in which the Marriage is to be solemnized*], between the hours of Eight and Twelve in the Forenoon.

Given under my hand this day of
One thousand eight hundred and
(signed) *A. B.*
Superintendent Registrar.

SCHEDULE (D.)

I, *John Cox*, Registrar, of the District of *Stepney*, in the County of *Middlesex*, Do hereby certify, That this is a true copy of the entries of Marriage registered in the said District from the entry of the Marriage of *John Wood* and *Ann Simpson*, Number *One*, to the entry of the Marriage of *James Smith* and *Martha Green*, Number *Fourteen*.

Witness my hand, this *First* day of *July 1837*.
(signed) *John Cox*,
Registrar.

[The *italics* in this Schedule to be filled up as the case may be.]

Marriages.

A

BILL

[AS AMENDED ON THE REPORT]

For Marriages in *England*.

(Prepared and brought in by
Lord John Russell, Mr. Chancellor of the
Exchequer, and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1836.

328.

5 *August* 1836.—7 WILL. IV.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for Marriages in England.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]
[*N. B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

Preamble.

WHEREAS it is expedient to amend the Law of Marriages in England; **BE it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT after the First day of March, in the year One thousand eight hundred and Thirty-seven (1), *notwithstanding any thing in this Act contained,* all the rules prescribed by the Rubrick concerning the solemnizing of Marriages, (2) shall continue to be duly observed by every person in Holy Orders of the Church of England, who shall solemnize any Marriage in England: (3) Provided always, That where by any law or canon in force before the passing of this Act, it is provided that any Marriage may be solemnized after publication of banns, such Marriage may be solemnized in like manner on production of the Registrar's Certificate,

I.

Banns need not be published after the 1st of March 1837.

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(1) no Parson, Vicar, Minister or Curate in England shall publish the Banns of Matrimony between any Persons whatsoever, except Banns for the second or third time which shall have been published for the first or second time on or before the said First day of March, which may be published as if this Act had not been passed; and that

(2) (except as to the publishing of banns) and not hereby altered

(3) after the said First day of March

Certificate, (¹) as hereinafter provided: (²) *Provided also, That nothing in this Act contained shall affect the right of the Archbishop of Canterbury and his successors, and his and their proper officers, to grant special licenses to marry at any convenient time and place, or the right of any Surrogate or other person now having authority to grant Licenses for Marriages.*

II.

Marriages of Quakers and Jews.

And be it Enacted, That the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize Marriage according to the usages of the said Society and of the said persons respectively; and every such Marriage is hereby declared and confirmed good in law, provided that the parties to such Marriage be both of the said Society, or both persons professing the Jewish religion respectively: Provided also, That notice 3
to the Registrar shall have been given, and the Registrar's certificate shall have issued in manner hereinafter provided.

III.

And be it Enacted, That the Superintendent Registrar of Births and Deaths of every union, parish or place, shall be in right of his office Superintendent Registrar of Marriages within such union, parish or place, and that such union, parish or place, shall be deemed the district of such Superintendent Registrar of Marriages.

IV.

Notice of every intended Marriage to be given to the Registrar.

And be it Enacted, That in every case of Marriage intended to be solemnized in England after the said First day of March (³) *according to the rites of the Church of England (unless* by *License or by* Special License), (⁴) *or after publication of Banns, and in every case of Marriage intended to be solemnized in England after the said First day of March,* according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the Parties shall give notice under his or her hand in the form of Schedule (A.) to this Act annexed, or to the like effect, to the *Superintendent* Registrar of the district within which the Parties shall have dwelt for not less than Seven Days then next preceding, or if the Parties dwell in the districts of different *Superintendent* Registrars, shall give the like notice to the *Superintendent* Registrar of each district, and shall state therein the name and surname and the profession or condition of each of the Parties intending marriage, the dwelling-place of each of them, *and*

(¹) without license

(²) and that the giving of notice to the Registrar, and issue of the Registrar's Certificate, without license, as hereinafter provided, shall be used and stand instead of the publication of banns to all intents and purposes.

(³) (except

(⁴) whether according to the rites of the Church of England, or *and* the time not being less than Seven Days during which each has dwelt therein, and the church or other building in which the Marriage is to be solemnized. (¹)

V.
Registrar to keep Notices in a Book.

And be it Enacted, That the *Superintendent* Registrar shall file all such notices, and (²) *keep them* with the records of his office, and shall also forthwith *enter a true* copy *of* all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same; and for every such entry the *Superintendent* Registrar shall be entitled to have a fee of One Shilling. (³)

And

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4 (¹) also that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said Marriage, and shall state whether each Party is of full age, or under the age of Twenty-one Years; and in every case of Marriage by license, where either of the Parties, not being a widower or widow, shall be under the age of Twenty-one Years, the Party giving such notice shall state therein the name and dwelling-place of the person or persons whose consent to such Marriage is required by law, and that his, her or their consent to the Marriage has been obtained, or else shall state, according as the fact may be, that there is no person having authority to give such consent; provided that if either Party shall have dwelt in the place stated in the notice during more than One calendar Month, it may be stated therein that he or she hath dwelt there One Month and upwards: Provided also, That in every case in which the banns of Matrimony shall have
5 been published for the first time on or before the said First day of March, the Marriage may be solemnized without notice to the Registrar, after due publication of banns, in like manner as if this Act had not been passed.

(²) from time to time, at such times as shall be fixed by the Registrar General, shall deliver them to the Superintendent Registrar of the district to be kept

(³) Provided always, That no such notice shall be received by any Registrar, unless two inhabitant householders of the Registrar's district, and known by the Registrar, shall personally appear before the Registrar
6 at the time of the delivery of the notice, and certify thereon, in the presence of the party delivering the same, under their hand, that to the best of their knowledge and belief, the contents of the notice are true, and the Parties intending Marriage are therein truly described: Provided also, That if the Parties dwell in different districts, it shall be sufficient in each case if the said two householders shall certify their

VI.

And be it Enacted, That if such Superintendent Registrar shall be Clerk to the Guardians of any Poor Law Union, or of any parish or place, comprising the district for which such Superintendent Registrar shall act, he shall read such Notices as hereinafter directed; and if he shall not be such Clerk, then he shall transmit to such Clerk, on the day previous to each weekly meeting of such Guardians, all such Notices of intended Marriage as he shall have received on or since the day previous to the weekly Meeting immediately preceding the same; and such Clerk shall read such Notices immediately after the Minutes of the Proceedings of such Guardians at their last Meeting shall have been read, and such Notices shall be so read Three several times in three successive weeks, at the weekly Meetings of such Guardians, unless in any case License for Marriage shall be sooner granted, and Notice of such License being granted shall have been given to such Clerk: Provided also, That if it shall happen that the Board of Guardians of any such union, parish or place shall not so meet, it shall be sufficient, for the purposes of this Act, that such Notices shall be read at any Meeting of such Guardians which shall be held within Twenty-one Days from the day of such Notice being entered.

VII.
After Seven Days or Twenty-one Days, Certificate of Notice to be given upon demand.

And be it Enacted, That after the expiration of Seven Days if the Marriage is to be solemnized by License, or of Twenty-one Days if the Marriage is to be solemnized without License, after the (1) *entry* of such notice, the *Superintendent* Registrar, upon being requested so to do by or on behalf of the Party by whom the notice was given, shall issue under his hand a Certificate in the form of Schedule (B.) to this Act annexed; provided that no lawful impediment be shown to the satisfaction of the *Superintendent* Registrar why such Certificate should not issue; and provided that the issue of such Certificate shall not have been sooner forbidden in manner hereinafter mentioned by 7
any person or persons authorized in that behalf as hereinafter is provided; and every such Certificate shall state the particulars set forth in the notice, the day on which the notice was (2) *entered*, and that the full period of Seven Days or of Twenty-one Days (as the case may be) has elapsed since the (3) *entry* of such notice, and that the issue of such Certificate has not been forbidden by any person or persons authorized in that behalf; and for every such Certificate the *Superintendent* Registrar shall be entitled to have a fee of One Shilling.

And

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knowledge and belief of the truth of the contents of the said notice, so far only as relates to the Party dwelling in the district of which they are householders.

(1) delivery (2) delivered (3) delivery

VIII.
Certificates for Marriage by License to be distinguishable from other Certificates.

And be it Enacted, That the Registrar General shall furnish to every Superintendent Registrar, (¹) a sufficient number of Forms of Certificates, the cost of which (²) shall be accounted for by the Superintendent Registrar to the Registrar General; and in order to distinguish the Certificates to be issued for Marriages by License from the Certificates to be issued for Marriages without License, a water-mark 8 in the form of the word "License," in Roman letters, shall be laid and manufactured in the substance of the paper on which the Certificates to be issued for Marriage by License shall be written or printed; and every Certificate to be issued for Marriage by License shall be printed with red ink; and every Certificate to be issued for Marriage without License shall be printed with black ink; and such other distinctive marks between the two kinds of Ceritficate shall be used from time to time as shall seem fit to the Registrar General.

IX.
Issue of Registrar's Certificate may be forbidden.

And be it Enacted, That any person authorized in that behalf, may forbid the issue of the *Superintendent* Registrar's Certificate, by writing at any time before the issue of such Certificate the word "forbidden" opposite to the entry of the notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the Parties, by reason of which he or she is so authorized, and in case the issue of any such Certificate shall have been so forbidden, the notice, and all proceedings thereupon, shall be utterly void.

X.
Who are to give consent.

9 And be it Enacted, That after the said First day of March the like consent shall be required to any Marriage in England, solemnized by License, as would have been required by law to Marriages solemnized by License immediately before the passing of this Act; and every person whose consent to a Marriage by License is required by law, is hereby authorized to forbid the issue of the *Superintendent* Registrar's Certificate, whether the Marriage is intended to be by License or without License.

XI.
Superintendent Registrar may grant Licenses for Marriage.

And be it Enacted, That after the said First day of March every Superintendent Registrar shall have authority to grant Licenses for Marriage in any building registered as hereinafter provided, within any district under his superintendence, or in his office, in the form of Schedule (C.) to this Act annexed, and for every such License shall be entitled to have of the party requiring the same, the sum of Three Pounds above the value of the Stamps necessary on granting such License; and every Superintendent Registrar shall four times in every year on such days as shall be appointed by the Registrar General, make

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(¹) for the use of the Registrars under his superintendence,

(²) shall be defrayed by the Registrar for whose use they shall be furnished, and make a return to the Registrar General of every License granted by him since his last return, and of the particulars stated concerning the parties (1): Provided always, That no Superintendent Registrar shall grant any such License until he shall have given security by his bond, in the sum of One hundred Pounds, to the Registrar General for the due and faithful execution of his office: Provided also, That nothing herein contained shall authorize any Superintendent Registrar to grant any License for Marriage in any Church or Chapel in which Marriages may be solemnized according to the rites of the Church of England, or in any Church or Chapel belonging to the Church of England, or licensed for the celebration of Divine Worship according to the rites and ceremonies of the Church of England, or any License for Marriage in any registered building (2) *which shall not be within his district.* 10

XII.
Certificate to be given before the License is granted.

And be it Enacted, That before any License for Marriage shall be granted, by any (3) *such Superintendent Registrar,* one of the Parties intending marriage shall appear personally before (4) *such* Superintendent Registrar, (5) *and in case the notice of such intended Marriage shall not have been given to such Superintendent Registrar,* shall deliver to him the (6) Certificate (7) *of the Superintendent Registrar or Superintendent Registrars to whom such Notice shall have been given, and* such Party shall *take an Oath or shall make his or her solemn Affirmation or Declaration instead of taking an Oath where such person is now permitted by law so to do,* make and subscribe a declaration under his or her hand, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that one of the said Parties hath for the space of Fifteen Days immediately before *the day of the grant of* such License, had his or her usual place of abode within (8) the (9) *district* within which such Marriage is to be solemnized, and where either of the Parties, not being a widower or widow, shall be under the 11

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(1) in the Registrar's Certificate:

(2) or office distant more than Seven Miles from the place where one of the parties shall have resided for Fifteen Days immediately before such License.

(3) authority ecclesiastical or otherwise, after the said First day of March,

(4) the Surrogate or

(5) or other person having authority to grant the License, and

(6) Registrar's

(7) or, in case the Parties shall have given notice to the Registrars of different districts, the Certificate of each Registrar; and before any License for Marriage shall be granted by any Superintendent Registrar

(8) Seven Miles of (9) registered building or office

the age of Twenty-one Years, that the consent of the person or persons whose consent to such Marriage is required by law has been obtained
12 thereto, or that there is no person having authority to give such consent, as the case may be, and all such Licenses and Declarations shall be respectively liable to the same Stamp Duties as Licenses for Marriage granted by the Ordinary of any Diocese, and Affidavits made in order to procure the same.

XIII.
Caveat may be lodged with Superintendent Registrar against grant of License.

And be it Enacted, That any person, on payment of Five Shillings, may enter a Caveat with the Superintendent Registrar against the grant of *a Certificate or* a License for the Marriage of any person named therein, and if any Caveat be entered with the Superintendent Registrar, such Caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her Caveat is founded, no *Certificate or* License shall issue or be granted until the Superintendent Registrar shall have examined into the matter of the Caveat, and is satisfied that it ought not to obstruct the grant of the *Certificate or* License for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same: Provided that in cases of doubt, it shall be lawful for the Superintendent Registrar to refer the matter of any
13 such Caveat to the Registrar General, who shall decide upon the same: *Provided likewise, That in case of the Superintendent Registrar refusing the Grant of the Certificate or License, the person applying for the same shall have a right to appeal to the Registrar General, who shall thereupon either confirm the refusal, or direct the grant of the Certificate or License.*

XIV.
Marriages not to be solemnized within Twenty-one Days of Registrar's entry of Notice, unless by License within Seven Days, or by Special License.

And be it Enacted, That after the said First day of March, no Marriage, (1) *after such notice as aforesaid, unless by virtue of a License to be granted by the Superintendent Registrar*, shall be solemnized or registered in England until after the expiration of Twenty-one Days after the day of the entry of such notice as aforesaid; and no Marriage (2) shall be solemnized by *the* License *of any Superintendent Registrar*, or registered until after the expiration of Seven Days after the day of the (3) *entry* of such notice as aforesaid. (4)

And

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(1) unless by License,

(2) (unless by Special License from the Archbishop of Canterbury)

(3) delivery

(4) Provided always, That nothing herein contained shall affect the right of the Archbishop of Canterbury and his successors, and his and their proper officers, to grant Special Licenses to marry at any convenient time and place: Provided also, That nothing herein contained shall prevent any Marriage from being solemnized as if this Act had

not

XV.
New Notice required after Three Months.

And be it Enacted, That whenever a Marriage shall not be had within Three calendar Months after the notice shall have been so (1) 14
entered by the *Superintendent* Registrar, the notice and certificate, and any License which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void, and no person shall proceed to solemnize the Marriage, nor shall any Registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given at the time and in the manner aforesaid.

XVI.
Registrar's Certificate or License to be delivered to the person by or before whom the Marriage is solemnized.

And be it Enacted, That the (2) *Superintendent's* Certificate, or in case the parties shall have given notice to the (3) *Superintendent* of different districts, the Certificate of each (4) *Superintendent* shall be delivered to the officiating Minister, if the Marriage shall be solemnized according to the rites of the Church of England, (5) *and the said Certificate or License shall be delivered* to the Registering Officer of the people called Quakers for the place where the Marriage is solemnized, if the same shall be solemnized according to the usages of the said people, or to the officer of a Synagogue by whom the Marriage is (6) *registered*, if the same shall be solemnized according 15
to the usages of persons professing the Jewish religion, and in all other cases shall be delivered to the Registrar present at the Marriage, as hereinafter provided.

XVII.

And be it Enacted, That it shall be lawful for the Superintendent Registrar of any union, parish or place, subject to the approval of the Board of Guardians thereof, to appoint, by writing under his hand, such person or persons as he may think fit to be a Registrar or Registrars for the purpose of being present at Marriages to be solemnized by virtue of this Act, at which the presence of a Registrar is made necessary, and every such Registrar of Marriages shall hold his office during the pleasure of the Superintendent Registrar by whom he was appointed, or of the Registrar-General.

XVIII.
Places of Worship may be registered for solemnizing Marriages therein.

And be it Enacted, That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for solemnizing Marriages therein, and in such case shall deliver to the Superintendent Registrar a Certificate, signed in duplicate by Twenty Householders at the least, that such

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not been passed, of which the banns shall have been published for the first time on or before the said First day of March.

(1) delivered to (2) Registrar's (3) Registrars

(4) Registrar, or the License, in case the Marriage is solemnized by License,

(5) or (6) solemnized,

such building has been used by them during One Year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which Certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered, and the Superintendent Registrar shall send both Certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the
16 General Register Office, and the Registrar General shall endorse on both Certificates the date of the registry, and shall keep one Certificate with the other records of the General Register Office, and shall return the other Certificate to the Superintendent Registrar, who shall keep the same with the other records of his office; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a Certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the Certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the London Gazette, and for every such entry, certificate and publication, the Superintendent Registrar shall receive at the time of the delivery to him of the Certificates the sum of Three Pounds.

(1) . . . .

And

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16. As to registering Jewish Synagogues.

(1) And be it Enacted, That every Synagogue used as a place of religious worship by Persons professing the Jewish religion may be certified by the proper Authorities as a place of religious worship; and that the Trustees or chief Officers of any Synagogue so certified may apply to the Superintendent Registrar of the District within which such Synagogue shall be, in order that such Synagogue may be registered under this Act, and in such case shall deliver to the Superintendent Registrar a certificate, signed in duplicate by such Trustees or Officers, that such Synagogue has been used during One Year at the least as a place of religious worship for Persons professing the Jewish religion, and that they are desirous that such place should be registered as aforesaid; and the Superintendent Registrar shall send both certificates to the Registrar General, who shall register such Synagogue accordingly in a book to be kept for that purpose at the General Register Office; and the Registrar General shall indorse on both certificates the date of the registry, and shall keep one certificate with the other records of the General Register Office, and shall return the other certificate to the Superintendent Registrar, who shall keep the same with the other records of his Office; and the Superintendent Registrar shall enter the date of the registry of such Synagogue in a book to be furnished to him for that purpose by

the

XIX.

On removal of the same Congregation, the new Place of Worship may be immediately registered, instead of the one disused.

And be it Enacted, That if at any time subsequent to the registry of any building for solemnizing Marriages therein, it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar General shall cause the registry thereof to be cancelled: Provided, That if it shall be proved to the satisfaction of the Registrar General that the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship, instead of the disused building, although such new place of worship may not have been used for that purpose during One Year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the Registrar General by or through the Superintendent Registrar of the district, and such cancel or substitution, when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the fact, and the date thereof, in the book provided for the 18
registry of such buildings, and shall certify and publish such cancel or substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the Superintendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of Three Pounds; and after such cancel or substitution shall have been made by the Registrar General, it shall not be lawful to solemnize any Marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

XX.

Marriages may be solemnized in such registered places, in the presence of the Registrar and of Two Witnesses.

And be it Enacted, That after the expiration of the said period of Twenty-one Days, or of Seven Days if the Marriage is by license, Marriages may be solemnized in the registered building stated as aforesaid in the notice of such Marriage between and by the Parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, That every such Marriage shall be solemnized with open doors, between the 19
hours of Eight and Twelve in the Forenoon, in the presence of (1) *such* Registrar

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the Registrar General, and shall give a certificate of such registry under his hand, on parchment or vellum, to such trustees or chief Officers, and shall give public notice of the registry thereof by advertisement in some newspaper circulated within the County, and in the London Gazette; and for every such entry, certificate and publication the Superintendent Registrar shall receive at the time of the delivery to him of the certificates the sum of Three Pounds.

(1) the

Registrar of the District in which such registered building is situate, and of Two or more credible Witnesses: Provided also, That in some part of the ceremony, and in the presence of (1) *such* Registrar and Witnesses, each of the Parties shall declare,

> "I do solemnly declare, that I know not of any lawful impediment why I, A. B. may not be joined in matrimony to C. D."

and each of the Parties shall say to the other,

> "I call upon these persons here present to witness, that I, A. B. do take thee, C. D., to be my lawful wedded Wife [or, Husband]."

Provided also, That there be no lawful impediment to the Marriage of such Parties.

XXI.
Marriages may be celebrated before the Superintendent Registrar.

20 And be it Enacted, That any persons who shall object to marry under the provisions of this Act in any such registered building, may, after due notice and certificate issued as aforesaid, contract and solemnize Marriage at the office and in the presence of the Superintendent Registrar, (2) *and some Registrar* of the District, (3) and in the presence of Two Witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided, in the case of Marriage in any such registered building.

XXII.
Marriage Fees to the Registrar and Superintendent Registrar.

And be it Enacted, That the Registrar shall be entitled for every Marriage which shall be solemnized under this Act in his presence, (4)
21 to have from the Parties married (5) the sum of Ten Shillings, if the Marriage shall be by License, and otherwise the sum of Five Shillings.

XXIII.
Registrar to register all Marriages solemnized before him; Marriage Register Books to be sent to the Superintendent Registrar, and a certified Copy to the Registrar General.

And be it Enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his presence, in a Marriage Register Book to be furnished to him for that purpose, from time to time, by the Registrar General, according to the form provided for the Registration of Marriages by an Act made in this present Session of Parliament, intituled, "An Act for registering Births, Deaths and Marriages in England," the cost of which shall be defrayed in like manner as the cost of providing Register Books of Births and Deaths; and

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(1) the

(2) and of the Registrar (3) in which the office is situated,

(4) whether in a registered building or at the Office of the Superintendent Registrar,

(5) the sum of Five Shillings, and the Superintendent Registrar shall be entitled for every Marriage which shall be solemnized under this Act at his office, and in his presence, to have from the Parties married

every entry of such Marriage shall be signed by the person by or before whom the Marriage shall have been solemnized, if there shall be any such person, and by the Registrar, and also by the parties married, and attested by Two Witnesses; and every such entry shall 22
be made in order from the beginning to the end of the book.

XXIV.
Copies of the Marriage Register Book to be given quarterly to the Superintendent Registrar.

And be it Enacted, That in every year, on such days as shall from time to time be appointed by the Registrar General within One calendar Month next after the First day of April, the First day of July, the First day of October and the First day of January respectively, every Registrar shall make and deliver to the Superintendent Registrar of his district a true copy, certified by him, under his hand, according to the form of Schedule (D.) to this Act annexed, of all the entries of Marriage in the Register Book kept by him since the last delivery, and the Superintendent Registrar shall verify the same, and if found to be correct, shall certify the same under his hand to be a true copy; and if there shall have been no Marriage registered since the delivery of the last certified Copy, the Registrar shall certify the fact, and such Certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him, and the Registrar shall 23
keep safely the said Register Book until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his Office.

XXV.
Proof of Residence of Parties or consent not necessary to establish the Marriage.

And be it Enacted, That after any Marriage shall have been solemnized, it shall not be necessary, in support of such Marriage, to give any proof of the actual dwelling of either of the parties, previous to the Marriage, within the district wherein such Marriage was solemnized, for the time required by this Act, or of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage.

XXVI.
Bishops may license Chapels for the solemnization of Marriages in populous places.

AND whereas it is expedient that provision should be made, under proper restrictions, for relieving the Inhabitants of populous Districts remote from the Parish Church, or from any Chapel wherein Marriages may be lawfully celebrated according to the rites and ceremonies of the Church of England, from the inconvenience to which they may be thereby subjected in the solemnization of their Marriages; BE it therefore Enacted, That, with the consent under the hand and seal of the Patron and Incumbent respectively, of the Church of the Parish or District in which may be situated any public Chapel with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the celebration of Divine Service according to the rites and ceremonies of the Church of England, or any Chapel the Minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the Church of England, or without such consent after Two calendar Months' notice in writing given by the Regtistrar of the Diocese to such Patron and Incumbent respectively, the Bishop of the Diocese may, if he shall think it necessary for the due accommodation and convenience of the Inhabitants, authorize, by a License under his hand and seal, the Solemnization of Marriages in any such Chapel for persons residing within a District, the limits whereof shall be specified in the Bishop's License, and under such provisions as to the Amount, Appropriation or Apportionment of the Dues, and as to other particulars, as to the said Bishop may seem fit, and as may be specified in the said License; provided that it shall be lawful for any Patron or Incumbent, who shall refuse or withhold consent to the grant of any such License, to deliver to the Bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such License shall be granted by any Bishop until he shall have inquired into the matter of such reasons; and every instrument of Consent of the Patron and Incumbent, or if such Consent be refused or withholden, a copy of the notice, under the hand of the Registrar, and every statement of reasons alleged as aforesaid by the Patron or Incumbent, with the Bishop's adjudication thereupon under his hand and seal, shall be registered in the Registry of the Diocese; and thenceforth, and until the said License be revoked, Marriages solemnized in such Chapel shall be as valid to all intents and purposes as if the same had been solemnized in the Parish Church, or in any Chapel where Marriages might heretofore have been legally solemnized.

XXVII.
Appropriation of Fees on Marriages performed in such Chapels.

And be it Enacted, that all Fees, Dues and other emoluments, on account of the Solemnization of Marriages, which belong to the Incumbent or Clerk respectively of any Church or Chapel in any Parish or District within which the Solemnization of Marriages shall be authorized as aforesaid shall respectively be received, until the avoidance of such Church or Chapel, next after the passing of this Act, for and on account of such Incumbent, and until the vacancy in the office of Clerk, next after the passing of this Act, for and on account of such Clerk, and be paid over to them, except such portion of the Fees, Dues or other emoluments as the said Bishop of the Diocese, with the consent of the said Incumbent and Clerk respectively, shall, in such aforesaid License, assign to the Minister and Clerk respectively of the Chapel in which the Solemnization of Marriages shall be authorized as aforesaid; and that it shall be lawful for the said Bishop, in and by such License, without any such consent, to declare that from and after such next avoidance or vacancy respectively, the whole, or such part of the Fees, Dues and other emoluments, on account of the Solemnization of Marriages in such last-mentioned Chapel, as shall be specified in such License, shall be receivable, and the same shall thenceforth be received by or for the Minister and Clerk of such Chapel respectively.

XXVIII.
Patron or Incumbent may appeal to the Archbishop against such Licenses.

And be it Enacted, That when the said Bishop shall authorize the Solemnization of Marriages in any such Chapel as aforesaid, without the consent under the hand and seal of the Patron and Incumbent respectively, it shall be lawful for them or either of them to appeal within One calendar Month to the Archbishop of the Province, who shall hear the same in a summary manner, and shall make such order confirming, revoking or varying the License so given, as to him shall seem meet and expedient, which order shall be registered in the Registry of the Diocese, and shall be conclusive and binding on all parties whatsoever.

XXIX.
Notice of such Licenses to be affixed in Chapels.

And be it Enacted, That there shall be placed in some conspicuous part in the interior of every Chapel in respect of which such License shall be given as aforesaid a notice in the words following: "Marriages may be solemnized in this Chapel."

XXX.
Marriages performed in such Chapels to be under the same Regulations as those performed in Parish Churches.

And be it Enacted, That all provisions which shall from time to time be in force relative to Marriages, and to providing, keeping and transmitting Register Books and copies of Registers of Marriages solemnized in any Parish Church, shall extend to any Chapel in which the solemnization of Marriages shall be authorized as aforesaid, in the same manner as if the same were a Parish Church, and every thing required by law to be done relating thereto by the Rector, Vicar, Curate or Churchwardens respectively of any Parish Church shall be done by the officiating Minister, Chapelwarden or other person exercising analogous duties in such Chapel respectively.

XXXI.
Option to Parties to be married at Parish Church.

Provided always, and be it Enacted, That notwithstanding any such License as aforesaid to solemnize Marriages in any such Chapel, the Parties may, if they think fit, have their Marriage solemnized in the Parish Church, or in any Chapel in which heretofore the Marriage of such Parties or either of them might have been legally solemnized.

XXXII.
Bishop, with consent of Archbishop, may revoke such Licenses;

And be it Enacted, That any such License or Order may at any time be revoked by writing under the hand and seal of the Bishop of the Diocese, with the consent in writing of the Archbishop of the Province; and such revocation and consent shall be registered in the registry of the Diocese, the Registrar whereof shall notify the same in writing to the Minister officiating in the Chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the County and in the London Gazette, and thenceforth the authority to solemnize Marriages in such Chapel shall cease and determine.

XXXIII. In which case Registers to be sent to Incumbent of Parish Church.

And be it Enacted, That in case of the revocation of the License to solemnize Marriages in any such Chapel all registers of Marriages solemnized therein under such License which shall be in the custody or possession of the Minister of such Chapel at the time of such revocation shall forthwith be transmitted to the Incumbent or Officiating Minister of the Parish Church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made and deposited with such Incumbent or Officiating Minister; and that such Incumbent or Minister shall, when he next transmits to the Superintendent Registrar Copies of the Registers of Marriages solemnized in such Parish Church, also therewith transmit copies of all such entries as shall have been made in such first-mentioned registers subsequent to the date of the last entry, a copy whereof was transmitted to the Superintendent Registrar, and shall also transmit to him one copy of every Register Book so transmitted to him of which no copy shall have been already transmitted to the Superintendent Registrar, having first signed his name at the foot of the last entry therein.

XXXIV. List of all Churches, Chapels and Buildings registered to be printed.

And be it Enacted, That the Registrar of every Diocese shall within Fifteen Days after the said First day of March, and also within Fifteen Days after the First day of January in every succeeding year, make out and send through the Post Office, directed to the Registrar General of Births, Deaths and Marriages at his office, a list of all Chapels belonging to the Church of England within that Diocese wherein Marriages may lawfully be solemnized according to the rites and ceremonies of the Church of England, and shall distinguish in such list which have a Parish, Chapelry or other recognized Ecclesiastical Division annexed to them, and which are Chapels licensed by the Bishop under this Act, and shall state therein the District for which each of such Chapels is licensed according to the description thereof in the License; and the Registrar General shall in every year make out and cause to be printed a list of all such Chapels, and also of all places of Public Worship registered under the provisions of this Act, and shall state in such list the County and Registrar's District within which each Chapel or registered Building is situated, and shall add also the names and places of abode of the Registrars and Deputy Registrars of each District, and of the Superintendent Registrars; and a copy of such list shall be sent to every Registrar and Superintendent Registrar.

XXXV. Marriages under this Act to be cognizable as Marriages of the Church of England.

And be it Enacted, That every Marriage solemnized under this Act shall be good and cognizable in like manner as Marriages before the passing of this Act, according to the rites of the Church of England.

XXXVI. Penalty on Persons married refusing

And be it Enacted, That it shall be lawful for the Registrar before whom any Marriage is solemnized according to the provisions of this Act, to answer questions.

Act, to ask of the parties to be married, (¹) the several particulars re- 24
quired to be registered touching such Marriage. (²)

XXXVII.
Persons vexatiously entering Caveat, liable to Costs and Damages.

And be it Enacted, That every person who shall enter a Caveat with the Superintendent Registrar, against the grant of any License *or issue of any Certificate*, on grounds which the (³) Registrar General shall declare to be frivolous, and that they ought not to obstruct the grant of the License, shall be liable for the costs of the proceedings and for damages to be recovered in a special action upon the case, by the Party against whose Marriage such Caveat shall have been entered.

XXXVIII.
Persons making false Declarations, &c. guilty of Perjury.

And be it Enacted, That every person who shall knowingly and wilfully make any false declaration, or sign any false notice or Certificate required by this Act, for the purpose of procuring any Marriage;
and every person who shall forbid the issue of any *Superintendent* 25
Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall suffer the penalties of Perjury.

XXXIX.
Persons unduly solemnizing Marriage guilty of Felony.

And be it Enacted, That every person who after the said First day of March shall knowingly and wilfully solemnize any Marriage in England, except by Special License, in any other place than a Church or Chapel in which Marriages may be solemnized according to the rites of the Church of England, or than the registered building or office specified in the Notice and Certificate as aforesaid, shall be guilty of Felony (except in the case of a Marriage between two of the Society of Friends, commonly called Quakers, according to the usages of the said Society, or between two persons professing the Jewish religion according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize
any Marriage in the absence of (⁴) *a* Registrar of the district in which 26
such registered building or office is situated, shall be guilty of Felony; and every person who shall knowingly and wilfully solemnize any Marriage in England after the said First day of March (except by License) within Twenty-one Days after the (⁵) *entry* of the notice to the *Superintendent* Registrar as aforesaid, or if the Marriage is by License,

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(¹) and of the parties certifying the truth of the notice,

(²) and every such person who shall refuse, or without reasonable cause neglect to answer according to the best of his or her belief, shall forfeit and pay a sum not exceeding Fifty Pounds.

(³) Superintendent Registrar or

(⁴) the (⁵) delivery

License, within Seven Days after such (¹) *entry*, or after Three calendar Months after such (²) *entry*, shall be guilty of Felony.

XL.
Registrars unduly issuing Certificates guilty of Felony.

And be it Enacted, That every *Superintendent* Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of Three calendar Months after the notice shall have been (³) *entered by* him as aforesaid, or any Certificate for Marriage by License before the expiration of Seven Days after the (⁴) *entry* of the notice, or any Certificate for Marriage without License before the expiration of Twenty-one Days after the (⁵) *entry* of the notice, or any Certificate the issue of which shall have been forbidden as aforesaid
27 by any person authorized to forbid the issue of the Registrar's Certificate, or who shall knowingly and wilfully register any Marriage herein declared to be null and void, and every (⁶) Registrar who shall knowingly and wilfully issue any License for Marriage after the expiration of Three calendar Months after the notice shall have been (⁷) *entered by* the Registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any Marriage herein declared to be null and void, shall be guilty of Felony.

XLI.
Limitation of Prosecution.

And be it Enacted, That every prosecution under this Act shall be commenced within the space of Three Years after the offence committed.
(⁸)

And

(¹) delivery (except by special License from the Archbishop of Canterbury) (²) delivery,
(³) delivered to (⁴) delivery (⁵) delivery
(⁶) Superintendent (⁷) delivered to

40.
Marriages void if unduly solemnized with the knowledge of both parties.

(⁸) And be it Enacted, That if any persons, except in the case of persons legally marrying by Special License, or in a Church or Chapel in which Marriages may be legally solemnized according to the rites of the Church of England, or in the case of two Quakers or two Jews, marrying according to the usages of the Quakers or Jews respectively, shall knowingly and wilfully intermarry after the said First day of
28 March in any place other than the registered building or office specified in the notice and Certificate as aforesaid, or if any persons shall knowingly and wilfully intermarry after the said First day of March, either according to the rites of the Church of England, or according to the usages of the Quakers or Jews, or according to any form authorized by this Act, without License, in case a License is necessary under this Act, or in the absence of the Registrar, in any registered building or any Superintendent Registrar's Office, or without due notice to the Registrar, (except by Special License) or within the time herein provided to elapse between Marriage, and the delivery of Notice of such intended Marriage to the Registrar, the Marriage of such persons, except in any case hereinbefore excepted, shall be null and void.

XLII.

And be it Enacted, That if any persons shall knowingly and wilfully intermarry after the said First day of March, under the provisions of this Act, in any place other than the Church, Chapel, Registered Building or Office or other place specified in the notice and certificate as aforesaid, or without due notice to the Superintendent Registrar, or without certificate of notice duly issued, or without license, in case a license is necessary under this Act, or in the absence of a Registrar or Superintendent Registrar, where the presence of a Registrar or Superintendent Registrar is necessary under this Act, the marriage of such persons, except in any case hereinafter excepted, shall be null and void: Provided always, That nothing herein contained shall extend to annul any Marriage legally solemnized according to the provisions of an Act passed in the fourth year of his late Majesty GEORGE *the Fourth, intituled, " An Act for amending the Laws respecting the Solemnization of Marriages in England.*

XLIII.
In cases of fraudulent Marriages, the guilty party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76. s. 23, &c.

And be it Enacted, That if any valid Marriage shall be had under the provisions of this Act, by means of any wilfully false notice, certificate or declaration, made by either Party to such Marriage, as to any matter to which a notice, certificate or declaration is herein required, it shall be lawful for His Majesty's Attorney-General or Solicitor-General to sue for a forfeiture of all estate and interest in any property accruing to the offending Party by such Marriage, and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to Marriages solemnized by License before the passing of this Act, according to the rites of the Church of England. 29

XLIV.
Provisions of Registry Act in respect of Marriages extended to this Act.

And be it Enacted, That this Act shall be taken to be part of the said Act for registering Births, Deaths and Marriages, as fully and effectually as if incorporated therewith, and that all the provisions and penalties of the said Act relating to any *Registrar or* Register of Marriages, or certified Copies thereof, shall be taken to extend to the *Registrars and* Registers of Marriages to be solemnized under this Act, and to the certified Copies thereof, so far as the same are applicable thereunto.

XLV.
Act to extend only to England, and not to extend to the Royal Family.

And be it Enacted, That this Act shall extend only to England, and shall not extend to the Marriage of any of the Royal Family.

SCHEDULES

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of (1) [*Hendon,*] in the County of [Middlesex].

I HEREBY give you Notice, That a Marriage is intended to be had, within Three calendar Months from the date hereof, between me and the other Party herein named and described; (that is to say)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	(1) Church or Building in which Marriage is to be solemnized.	District and County in which the other Party (3) *resides*, when the Parties dwell in different Districts.
[James Smith] -	[Widower] -	[Carpenter] -	[Of full Age] -	[16, High Street] -	[23 Days] -	[Sion Chapel, West Street. Stepney, Middlesex.]	(4) [*Tonbridge*, Kent.]
[Martha Green] -	[Spinster] -	- - - -	[Minor] - -	[Grove Farm] -	[More than a Month.]		

(5)
(6)

Witness my hand this [Sixth] day of [May 1837]. (signed) [James Smith.]

(1) Stepney.

(2)

Persons consenting whose consent is required by Law to a Marriage by License.	
Name.	Dwelling Place.
[No such Person].	—
[Ann Green (Mother).]	[Grove Farm].

(3) dwells.
(4) Lewisham.

(5) Believing that there is not any impediment of kindred or alliance, or other lawful hindrance to the said Marriage.

(6) We, [Thomas Brown], of [Park-street], and [James Willis], of [London Road], do hereby certify, That the above-named [Parties are] known by us, and that, to the best of our knowledge and belief, the contents of this Notice are true, and the [Parties are] herein truly described.

(signed) [Thomas Brown].
[James Willis].

(The words within [ ] in this Schedule to be filled up as the case may be.)

SCHEDULE (B.)

[No. 14.]

REGISTRAR'S CERTIFICATE.

I, [John Cox], Registrar of the District of [Stepney], in the County of [Middlesex], do hereby certify, That on the [*Sixth*] day of [*May*], Notice was duly entered in the Marriage Notice Book of the said District, of the Marriage intended between the Parties therein named and described, delivered under the hand of [James Smith], one of the Parties; (that is to say)

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized. (1)
[James Smith] -	[Widower] -	[Carpenter] - -	[Of full Age] -	[16, High Street] -	[23 Days] - -	- - [Sion Chapel, West Street, Stepney, Middlesex].
[Martha Green] -	[Spinster] -	- - - -	[Minor] - -	[Grove Farm] - -	[More than a Month.]	

(2)

Date of Notice entered [6th May 1837].
Date of Certificate given [27th May 1837.] } The issue of this Certificate has not been forbidden by any person authorized to forbid the issue (3) [thereof].

Witness my hand this [Twenty-seventh] day of [May One thousand eight hundred and Thirty-seven].

(signed) [John Cox],
Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the [*Sixth*] Day of [*August One thousand eight hundred and Thirty-seven*].

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(1) Persons consenting whose consent is required by Law to a Marriage by License.		District and County in which the other Party dwells, where the Parties dwell in different Districts.
Name.	Dwelling Place.	
[No such Person] -	—	[Lewisham, Kent.]
[Anna Green (Mother)]	[Grove Farm] - -	

(2) Certified at the time of the delivery thereof by [Thomas Brown], of [Park Street], and [James Willis], of [London Road], [Two] Householders of the said [District].

(3) of the Registrar's Certificate.

SCHEDULE (C.)

LICENSE OF MARRIAGE.

[A. B.], Superintendent Registrar of
to [C. D.] of and [E. F.] of

Sendeth Greeting:

WHEREAS ye are minded, as it is said, to enter into a contract of Marriage, under the provisions of an Act made in the (1) *Seventh* Year of the reign of His Majesty King WILLIAM the Fourth, intituled, [here insert the title of this Act,] and are desirous that the same may be speedily and publicly solemnized; *and whereas you C. D.* [*or, you E. F.*] *have made and subscribed a Declaration under your hand, that you believe there is no impediment of kindred or alliance, or other lawful hindrance to the said Marriage, and that you C. D.* [*or, E. F.*] *have* [*or, has*] *had your* [*or, his or her*] *usual place of abode, for the space of Fifteen Days last past, within the district of* [ ]; *and that you C. D.* [*or, E. F.*] *not being a Widower* [*or, Widow*] *are* [*or, is*] *under the age of Twenty-one Years*; *and that the consent of* [*G. H.*] *whose consent to your* [*or, his or her*] *Marriage is required by law, has been obtained thereto* [*or, that there is no Person having authority to give such consent*]; I do hereby grant unto you full License, according to the authority in that behalf given to me by the said Act, to proceed to solemnize such Marriage, and to the Registrar of the District of [here insert the name of the District in which the Marriage is to be solemnized] to register such Marriage according to law (2): Provided (3) that the said Marriage be publicly solemnized in the presence of the said Registrar and of Two Witnesses, within Three calendar Months from the [here insert the date of the Registrar's Certificate] in the [here describe the building in which the Marriage is to be solemnized], between the hours of Eight and Twelve in the Forenoon.

Given under my hand this day of
One thousand eight hundred and

(signed) [A. B.]
Superintendent Registrar.

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(1) Sixth

(2) provided that no impediment of kindred or alliance shall appear, nor any other lawful hindrance to the said Marriage;

(3) also,

SCHEDULE (D.)

I, [John Cox], Registrar, of the District of [Stepney], in the County of [Middlesex], Do hereby certify, That this is a true copy of the entries of Marriage registered in the said District from the entry of the Marriage of [John Wood] and [Ann Simpson], Number [One], to the entry of the Marriage of [James Smith] and [Martha Green], Number [Fourteen.]

Witness my hand, this [First] day of [July].

(signed) [John Cox,]
Registrar.

(The words within [ ] in this Schedule to be filled up as the case may be).

Marriages.

A
BILL,
[AS AMENDED BY THE LORDS]
INTITULED,
AN ACT for Marriages in England.

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1836.

534.

June 1836.—6 WILL. IV.

MARRIAGES BILL.

CLAUSES

PROPOSED TO BE ADDED ON THE

THIRD READING,

By Dr. *Nicholl.*

AND whereas it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the Parish Church, or from any Chapel wherein Marriages may be lawfully celebrated according to the rites and ceremonies of the Church of *England*, from the inconvenience to which they may be thereby subjected, in the solemnization of their Marriages; BE it therefore Enacted, That, with the consent, under the hand and seal of the Patron and Incumbent respectively of the Church of the parish or district in which may be situated any public Chapel, with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the celebration of Divine Service according to the rites and ceremonies of the Church of *England*, or any Chapel the Minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the Church of *England*; or without such consent, after Two calendar Months' notice in writing given by the Registrar of the Diocese to such Patron and Incumbent respectively, the Bishop of the Diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize, by a license under his hand and seal, the solemnization of Marriages in any such Chapel, for persons residing within a district, the limits whereof shall be specified in the Bishop's license, and under such provisions, as to the amount, appropriation or apportionment of the dues, and as to other particulars as to the said Bishop may seem fit, and as may be specified in the said License; provided, that it shall be lawful for any Patron or Incumbent who shall refuse or withhold consent to the grant of any such License, to deliver to the Bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such License shall be granted by any Bishop until he shall have inquired into the matter of such reasons, and every instrument of consent of the Patron and Incumbent, or if such consent be refused or withholden, a copy of the notice under the hand of the Registrar, and every statement of reasons alleged as aforesaid by the Patron or Incumbent, with the Bishop's adjudication thereupon under his hand and seal, shall be registered in the Registry of the Diocese; and thenceforth, and until the said License be revoked, Marriages solemnized in such Chapel shall be as valid to all intents and purposes as if the same had been solemnized in the Parish Church, or in any Chapel where Marriages might heretofore have been legally solemnized.

And be it Enacted, That all fees, dues, and other emoluments on account of the solemnization of Marriages, which belong to the Incumbent or Clerk respectively of any Church or Chapel, in any parish or district within which the solemnization of Marriages shall be authorized as aforesaid, shall respectively be received, until the avoidance of such Church or Chapel next after the passing of this Act, for and on account of such Incumbent, and until the vacancy in the office of Clerk next after the passing of this Act for and on account of such Clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said Bishop of the diocese, with the consent of the said Incumbent and Clerk respectively shall, in such aforesaid License, assign to the Minister and Clerk respectively of the Chapel in which the solemnization of Marriages shall be authorized as aforesaid; and that it shall be lawful for the said Bishop, in and by such License, without any such consent, to declare that from and after such next avoidance or vacancy respectively, the whole, or such part of the fees, dues, and other emoluments on account of the solemnization of Marriages in such last mentioned Chapel as shall be specified in such License, shall be receivable, and the same shall thenceforth be received by or for the Minister and Clerk of such Chapel respectively.

And be it Enacted, That when the said Bishop shall authorize the solemnization of Marriages in any such Chapel as aforesaid without the consent under the hand and seal of the Patron and Incumbent respectively, it shall be lawful for them, or either of them, to appeal, within One calendar Month to the Archbishop of the Province, who shall hear the same in a summary manner, and shall make such order confirming, revoking, or varying the License so given, as to him shall seem meet and expedient, which order shall be registered in the Registry of the Diocese, and shall be conclusive and binding on all parties whatsoever.

And be it Enacted, That there shall be placed in some conspicuous part in the interior of every Chapel, in respect of which such License shall be given as aforesaid, a notice in the words following: "Marriages may be solemnized in this Chapel."

And be it Enacted, That all provisions which shall from time to time be in force relative to Marriages, and to providing, keeping, and transmitting Register Books and copies of Registers of Marriages solemnized in any Parish Church, shall extend to any Chapel in which the solemnization of Marriages shall be authorized as aforesaid, in the same manner as if the same were a Parish Church, and every thing required by law to be done relating thereto by the Rector, Vicar, Curate, or Churchwardens respectively, of any Parish Church, shall be done by the officiating Minister, Chapelwarden, or other person exercising analogous duties in such Chapel respectively.

Provided always, and be it Enacted, That notwithstanding any such License as aforesaid to solemnize Marriages in any such Chapel, the parties may, if they think fit, have their Marriage solemnized in the Parish Church, or in any Chapel in which heretofore the Marriage of such parties, or either of them, might have been legally solemnized.

And be it Enacted, That any such License or Order may at any time be revoked, by writing under the hand and seal of the Bishop of the diocese, with the consent in writing of the Archbishop of the Province; and such revocation and consent shall be registered in the Registry of the Diocese, the Registrar whereof shall notify the same in writing to the Minister officiating in the Chapel, and shall also give public notice thereof, by advertisement in some newspaper circulating within the county, and in the *London* Gazette; and thenceforth the authority to solemnize Marriages in such Chapel shall cease and determine.

And be it Enacted, That in case of the revocation of the License to solemnize Marriages in any such Chapel all Registers of Marriages solemnized therein under such License, which shall be in the custody or possession of the Minister of such Chapel at the time of such revocation, shall forthwith be transmitted to the Incumbent or officiating Minister of the Parish Church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity to all intents and purposes as if they had been originally made and deposited with such Incumbent or officiating Minister; and that such Incumbent or

Minister shall, when he next transmits to the Superintendent Registrar copies of the Registers of Marriages solemnized in such Parish Church, also therewith transmit copies of all such entries as shall have been made in such first-mentioned Registers subsequent to the date of the last entry, a copy whereof was transmitted to the Superintendent Registrar, and shall also transmit to him One Copy of every Register Book so transmitted to him, of which no copy shall have been already transmitted to the Superintendent Registrar, having first signed his name at the foot of the last entry therein.

List of all Churches, Chapels and Buildings registered to be printed.

And be it Enacted, That the Registrar of every diocese shall, within Fifteen Days after the said First day of March, and also within Fifteen Days after the First day of January in every succeeding year, make out and send through the Post Office, directed to the Registrar General of Births, Deaths, and Marriages, at his office, a list of all Chapels belonging to the Church of *England* within that diocese wherein Marriages may lawfully be solemnized according to the rites and ceremonies of the Church of *England*, and shall distinguish in such list which have a Parish, Chapelry, or other recognized ecclesiastical division annexed to them, and which are Chapels licensed by the Bishop under this Act, and shall state therein the district for which each of such Chapels is licensed according to the description thereof in the License; and the Registrar General shall in every year make out and cause to be printed a list of all such Chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and Registrar's district within which each Chapel or registered building is situated; and shall add also the names and places of abode of the Registrars and Deputy Registrars of each district, and of the Superintendent Registrars; and a copy of such list shall be sent to every Registrar and Superintendent Registrar.

MARRIAGES BILL.

CLAUSES

PROPOSED TO BE ADDED ON THE
THIRD READING,
By Dr. *Nicholl.*

June 1836.

0.106.

26 *February* 1836.—6 Will. IV.

(Ireland.)

A

BILL

To repeal so much of an Act of the Nineteenth Year of King George the Second, as makes void all Marriages celebrated by any Popish Priest between Protestant and Papist.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS the Law now in force in Ireland under the said Act, annulling all Marriages celebrated between Protestants and Roman Catholics by Roman Catholic Priests, frequently occasions serious difficulties in the titles to lands and hereditaments, and in many cases renders doubtful the legitimacy of children, and is occasionally taken advantage of by evil-disposed persons; and therefore it is expedient to repeal the said Act to the extent aforesaid;

1\.
Repeal of so much of Act 19 Geo. 2. as makes void all Marriages celebrated by Popish Priests between Protestants and Roman Catholics.

Be it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the

so much of an Act passed in the nineteenth year of the reign of his Majesty King George the Second, intituled, "An Act for annulling all Marriages to be celebrated by any Popish Priest, between Protestant and Protestant or between Protestant and Papist, and to amend and make more effectual an Act passed in this Kingdom in the reign of her late Majesty Queen Anne, intituled, 'An Act for the more effectual preventing the taking away and marrying Children against the wills of their Parents or Guardians,'" as relates to Marriages celebrated by Roman Catholic Priests between Protestant and Roman Catholic, shall be and the same is hereby absolutely Repealed; but nevertheless so as not to render valid or in any manner affect any Marriage, the invalidity of which is now or hath been disputed or questioned, under or by virtue of the said Act, in any of His Majesty's Courts Ecclesiastical or Civil in Great Britain or Ireland.

2. Marriages between Protestants and Roman Catholics not to be valid, unless celebrated in Church or Chapel between Eight and Twelve.

Provided always, and be it further Enacted, That from and after the no Marriage which shall be celebrated between a Roman Catholic and any Person professing himself or herself to be a Protestant, shall be valid, unless the same shall be so celebrated between the hours of *Eight* and *Twelve* in the Morning, and in some Church, Chapel or place which shall have been used for the space of *One* Year at least previous to the celebration of such Marriage as a public place for Divine Worship.

3. Act not to extend to repeal certain Enactments against Illegal Marriages.

Provided always, and be it further Enacted, That nothing in this Act shall extend or be construed to extend to repeal any Enactments now in force for preventing the performance of the Marriage Ceremony by degraded Clergymen, or for preventing the Marriage of Persons under age; but that the said Acts shall be and shall be deemed and taken to be in full force and effect, as if this present Act had not passed; any thing herein contained to the contrary thereof in anywise notwithstanding.

Roman Catholic Marriages.

(Ireland.)

A

BILL

To repeal so much of an Act of the Nineteenth Year of King George the Second, as makes void all Marriages celebrated by any Popish Priest between Protestant and Papist.

(Prepared and brought in by Mr. Lynch and Mr. Serjeant Woulfe.)

Ordered, by The House of Commons, *to be Printed,*
26 February 1836.

57.

28 *June* 1836.—7 WILL. IV.

A

BILL,

INTITULED,

AN ACT to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour and Bread, beyond the Limits aforesaid.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

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1 WHEREAS by an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to repeal the Acts now in force relating to Bread to be sold in the City of *London* and the Liberties thereof, and within the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, and to provide other Regulations for the making and Sale of Bread, and preventing the Adulteration of Meal, Flour and Bread within the Limits aforesaid," certain regulations and provisions were made relative to the making and selling of Bread, and for preventing the Adulteration of Meal, Flour and Bread within the aforesaid limits, which have been found beneficial to the Public as well as to the Bakers within the said limits: And whereas it is deemed expedient that the several Acts of Parliament now in force relating to the making and selling of Bread, or to the assize and price thereof, or to the adulteration of Meal, Flour or Bread beyond the limits aforesaid, should be 2 altogether repealed, and that in lieu thereof the regulations, provisions and penalties hereinafter contained, and which are similar to those contained in the said recited Act of the third year of the reign of his

Preamble:

3 G. 4. c. 106.

1.
31 G. 2. c. 29.
32 G. 2. c. 18. s. 2.
3 G. 3. c. 10 & 11.
13 G. 3. c. 62.
33 G. 3. c. 37.
34 G. 3. c. 61.
36 G. 3. c. 22.
39 & 40 G. 3. c. 74.
41 G. 3. c. 12.
50 G. 3. c. 73.
53 G. 3. c. 116.
59 G. 3. c 36.
1 & 2 G. 4. c. 50.
repealed.

said late Majesty King GEORGE the Fourth, should be substituted: BUT inasmuch as the purposes aforesaid cannot be effected without the Aid and Authority of Parliament; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of October One thousand eight hundred and Thirty-five all and every Acts or Act of Parliament now in force relating to the making and selling of Bread, or to the assize and price thereof, or to the punishment of persons who shall adulterate Meal, Flour or Bread, or who shall sell Bread deficient in its due weight out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, be and the same are hereby Repealed; and there shall be no longer any Assize of Bread beyond the limits aforesaid, or any 3
regulation respecting the price thereof.

2.
Bread made of the Articles herein mentioned may be sold.

And be it Enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, to make and sell, or offer for sale in his, her or their shop, or to deliver to his, her or their customer or customers, Bread made of flour or meal of wheat, barley, rye, oats, buck-wheat, indian corn, peas, beans, rice or potatoes or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, and mixed in such proportions as they shall think fit, and with no other ingredient or matter whatsoever, subject to the regulations hereinafter contained.

3.
Bakers to make Bread of any Weight or Size.

And be it Enacted, That it shall and may be lawful for the several Bakers or Sellers of Bread, beyond the limits aforesaid, to make and sell or offer for sale in his, her or their shop, or to deliver to his, her or their customer or customers, Bread made of such weight or size as such Bakers or Sellers of Bread shall think fit; any law or usage to 4
the contrary notwithstanding.

4.
Bread to be sold by Weight, and in no other manner.

And be it Enacted, That from and after the commencement of this Act all Bread sold beyond the limits aforesaid shall be sold by the several Bakers or Sellers of Bread respectively beyond the said limits by Weight; and in case any Baker or Seller of Bread beyond the limits aforesaid shall sell or cause to be sold Bread in any other manner than by Weight, then and in such case every such Baker or Seller of Bread shall for every such offence forfeit and pay any sum not exceeding Forty Shillings, which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct: Provided always, That nothing in this Act contained

Penalty.

Proviso for French and Fancy Bread and Rolls.

contained shall extend or be construed to extend to prevent or hinder any such Baker or Seller of Bread from selling Bread usually sold under the denomination of French or Fancy Bread or Rolls without previously weighing the same.

5. Bakers using any other Weight than Avoirdupois Weight.

5 And be it Enacted, That the several Bakers or Sellers of Bread respectively beyond the said limits in the sale of Bread shall use Avoirdupois Weight of Sixteen Ounces to the Pound, according to the Standard in the Exchequer, and the several gradations of the same for any less quantity than a Pound; and in case any such Baker or Seller of Bread shall at any time use any other than the Avoirdupois Weight, and the several gradations of the same, he, she or they shall for every such offence forfeit and pay any sum not exceeding Five Pounds nor less than Forty Shillings, as the Magistrate or Magistrates, Justice or Justices before whom such conviction shall take place shall from time to time order and adjudge.

Penalty.

6. Bakers to provide in their Shops Beams, Scales, and Weights, &c. and to weigh Bread, &c.

6 And be it Enacted, That every Baker or Seller of Bread beyond the limits aforesaid shall cause to be fixed in some conspicuous part of his, her or their Shop, on or near the counter, a Beam and Scales, with proper Weights or other sufficient Balance, in order that all Bread there sold may from time to time be weighed in the presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread shall neglect to fix such Beam and Scales or other sufficient Balance, in manner aforesaid, or to provide and keep for use proper Beam and Scales, and proper Weights or Balance, or shall have or use any incorrect or false Beam or Scales or Balance, or any false Weight not being of the weight it purports to be, according to the Standard in the Exchequer, then and in every such case he, she or they shall for every such false Beam and Scales and Balance or false Weight forfeit and pay any sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct.

Penalty.

7. Bakers and Sellers of Bread, &c. delivering by cart, &c. to be provided with Scales, Weights, &c. for weighing Bread.

7 And be it Enacted, That every Baker or Seller of Bread beyond the limits aforesaid, and every journeyman, servant or other person employed by such Baker or Seller of Bread, who shall convey or carry out Bread for Sale in and from any cart or other carriage, shall be provided with and shall constantly carry in such cart or other carriage a correct Beam and Scales, with proper Weights or other sufficient Balance, in order that all Bread sold by every such Baker or Seller of Bread, or by his or her journeyman, servant or other person, may from time to time be weighed in the presence of the Purchaser or Purchasers thereof, except as aforesaid; and in case any such Baker or Seller of Bread, or his or her journeyman, servant or other person, shall at any time carry out or deliver any Bread without being pro-

vided with such Beam and Scales, with proper Weights or other sufficient Balance, or whose Weights shall be deficient in their due weight according to the Standard in the Exchequer, or shall at any time refuse to weigh any Bread purchased of him, her or them, or delivered by his, her or their journeyman, servant or other person, in the presence of the person or persons purchasing or receiving the same, then and in every such case every such Baker or Seller of Bread shall for every such offence forfeit and pay any sum not exceeding Five Pounds, which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct.

Penalty.

8.
Adulterating Bread.

And be it Enacted, That no Baker or other person or persons who shall make Bread for sale beyond the limits aforesaid, nor any journeyman or other servant of any such Baker or other person, shall at any time or times in the making of Bread for sale beyond such limits use any mixture or ingredient whatsoever in the making of such Bread, other than and except as hereinbefore mentioned, on any account or under any colour or pretence whatsoever, upon pain that every such person, whether master or journeyman, servant or other person, who shall offend in the premises, and shall be convicted of any such offence by the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her or their own confession, shall for every such offence forfeit and pay any sum not exceeding Ten Pounds nor less than Five Pounds, or in default thereof shall, by warrant under the hands and seals of the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be convicted, be apprehended and committed to the House of Correction or some Prison of the City, County, Borough or Place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain for any time not exceeding Six calendar Months, with or without hard labour, from the time of such commitment, unless the penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such offender or offenders shall be convicted to cause the offender's name, place of abode and offence to be published in some Newspaper which shall be printed or published in or near the City, County, Borough or Place where the offence shall have been committed, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid or recovered.

Penalty.

Names of Offenders to be published.

9.
Adulterating Corn, Meal or Flour.

And be it Enacted, That if any person beyond the limits aforesaid shall put into any Corn, Meal or Flour which shall be ground, dressed, bolted or manufactured for sale beyond such limits, either at the time of grinding, dressing, bolting or manufacturing the same,

or

119

Selling Flour of one sort of Corn as the Flour of another sort.

or at any other time, any ingredient or mixture whatsoever not being
the real and genuine produce of the Corn or Grain which shall be so
ground, or if any person shall beyond the limits aforesaid knowingly
sell or offer or expose for sale, either separately or mixed, any Meal or
Flour of one sort of Corn or Grain as the Meal or Flour of any other
sort of Corn or Grain, or any ingredient whatsoever mixed with the
Meal or Flour so sold or offered or exposed for sale, then and in every
such case every person so offending shall, upon conviction before any
one or more Magistrate or Magistrates, Justice or Justices, of the
City, County, Borough or Place where such offence shall have
been committed, on the oath, or in case of a Quaker by affirmation, of
one or more credible witness or witnesses, or by his, her or their own
confession, forfeit and pay for every such offence any sum not exceed-
11 ing Twenty Pounds, nor less than Five Pounds, which such Magistrate
or Magistrates, Justice or Justices, before whom any such offender or
offenders shall be convicted shall think fit and order.

Penalty.

10.

Bread made of mixed Meal or Flour to be marked with a Roman M.

And be it Enacted, That every person who shall make for sale, or
sell or expose for sale, beyond the limits aforesaid, any Bread made
wholly or partially of Peas or Beans, or Potatoes, or of any sort of
corn or grain other than Wheat, shall cause all such Bread to be
marked with a large Roman M.; and if any person shall at any time
beyond the limits aforesaid make or sell, or expose for sale, any such
Bread without such mark as hereinbefore directed, then and in every
such case every person so offending shall, upon conviction in manner
hereinafter mentioned, forfeit and pay for every pound weight of such
Bread, and so in proportion for any less quantity which shall be so
made for sale, or sold or exposed for sale, without being so marked
as aforesaid, any sum not exceeding Ten Shillings, as the Magistrate
or Magistrates, Justice or Justices before whom such conviction shall
12 take place shall from time to time order and adjudge: Provided always,
That nothing in this Act contained shall extend or be construed to ex-
tend to require any Bread made of the Meal or Flour of Wheat only,
and in the making of which Potato Yeast shall be used, to be marked
as hereinbefore is mentioned.

Penalty.

Proviso.

11.

Magistrates or Peace Officers by their Warrants may search a Baker's premises, and if any adulterated Flour, Bread, &c. be found, the same may be seized, and disposed of as herein mentioned.

And be it Enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of their respective jurisdictions, and also for any Peace Officer or Officers authorized by warrant under the hand and seal or hands and seals of any such Magistrate or Magistrates, Justice or Justices, (and which warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant,) at seasonable times in the day-time to enter into any house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, or ground of or belonging to any Miller, Mealman or Baker, or other person who shall grind Grain, or dress or bolt Meal or Flour, or make Bread for reward or sale, beyond the limits aforesaid, and to search or examine whether any mixture or ingredient not the genuine produce of the Grain such 13 Meal or Flour shall import or ought to be, shall have been mixed up with or put into any Meal or Flour in the possession of such Miller, Mealman or Baker, either in the grinding of any grain at the Mill, or in the dressing, bolting or manufacturing thereof, whereby the purity of any Meal or Flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act shall have been mixed up with or put into any Dough or Bread in the possession of any such Baker or other person, whereby any such Dough or Bread is or shall be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture; and if on any such search it shall appear that any such Meal, Flour, Dough or Bread so found shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of Meal, Flour or Bread, then and in every such case it shall be lawful for every such Magistrate or Magistrates, Justice or 14 Justices of the Peace, or Officer or Officers authorized as aforesaid respectively, within the limits of their respective jurisdictions, to seize and take any Meal, Flour, Dough or Bread which shall be found in any such search, and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used, or intended to be used, in or for any such adulteration as aforesaid; and such part thereof as shall be seized by any Peace Officer or Officers authorized as aforesaid shall, with all convenient speed after seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of whose jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall make any such seizure in pursuance of this Act, or to whom any thing so seized under the authority of this Act shall be brought, shall adjudge that any such Meal, Flour, Dough or Bread so seized shall have been adulterated by any mixture or ingredient put therein other than is allowed by this 15 Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating Meal, Flour or Bread, then and in any such case every such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, within the limits of their respective jurisdictions, to dispose of the same as he or they, in his or their discretion, shall from time to time think proper.

12.
Ingredients for adulteration of Meal or Bread found in any premises.

And be it Enacted, That every Miller, Mealman or Baker beyond the limits aforesaid, in whose house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, ground or possession, any ingredient or mixture shall be found which shall, after due examination,

tion, be adjudged by any Magistrate or Magistrates, Justice or Justices
of the Peace, to have been deposited there for the purpose of being
used in adulterating Meal, Flour or Bread, shall, on being convicted
of any such offence, either by his, her or their own confession,
or by the oath, or in case of a Quaker by affirmation, of one or more
16 credible witness or witnesses, forfeit and pay on every such conviction
any sum not exceeding Ten Pounds nor less than Forty Shillings for
the first offence, Five Pounds for the second offence, and Ten Pounds
for every subsequent offence, or in default of payment thereof shall,
by Warrant under the hand and seal or hands and seals of the Magistrate
or Magistrates, Justice or Justices, before whom such offender
shall be convicted, be apprehended and committed to the House of
Correction or some prison of the city, county or place where the
offence shall have been committed, or the offender or offenders shall
be apprehended, there to remain for any time not exceeding Six
calendar Months, with or without hard labour, from the time of such
commitment (unless the penalty be sooner paid), as any such Magistrate
or Magistrates, Justice or Justices, shall think fit and order;
and it shall be lawful for the Magistrate or Magistrates, Justice or
Justices, before whom any such offender shall be convicted, to cause
17 the offender's name, place of abode and offence to be published in
some newspaper which shall be printed or published in or near the
city, county, borough or place where the offence shall have been committed,
and to defray the expense of publishing the same out of the
money to be forfeited as last mentioned, in case any shall be so forfeited,
paid or recovered.

First Offence;
Second Offence;
subsequent Offence.

Names of Offenders to be published.

13.
Obstructing Search.

And be it Enacted, That if any person or persons shall wilfully
obstruct or hinder any such search as hereinbefore is authorized to be
made, or the seizure of any Meal, Flour, Dough or Bread, or of any
ingredient or mixture which shall be found on any such search, and
deemed to have been lodged with an intent to adulterate the purity or
wholesomeness of any Meal, Flour, Dough or Bread, or shall wilfully
oppose or resist any such search being made, or the carrying away any
such ingredient or mixture as aforesaid, or any Meal, Flour, Dough or
Bread, which shall be seized as being adulterated, or as not being
made pursuant to this Act, he, she or they so doing or offending in any
of the cases last aforesaid, shall for every such offence, on being con-
18 victed thereof, forfeit and pay such sum, not exceeding Ten Pounds,
as the Magistrate or Magistrates, Justice or Justices, before whom such
offender or offenders shall be convicted shall think fit and order: Provided
also, That if any person making or who shall make Bread for sale
beyond the limits aforesaid, shall at any time make complaint to any
Magistrate or Magistrates, Justice or Justices of the Peace, within his or
their jurisdiction, and make appear to him or them, by the oath, or in
case of a Quaker by affirmation, of any credible witness, that any offence
which such person shall have been charged with, and for which he

Penalty.

Offences occasioned by wilful default of Journeymen and Servants.

or she shall have incurred and paid any penalty under this Act, shall have been occasioned by or through the wilful act, neglect or default of any journeyman or other servant employed by or under such person so making complaint, then and in any such case any such Magistrate or Magistrates, Justice or Justices may and is or are hereby required to issue out his or their warrant, under his or their hand and seal or respective hands and seals, for bringing any such journeyman or servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the city, county, division or place where the offender can be found; and on any such journeyman or servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective jurisdictions, is and are hereby authorized and required to examine into the matter of such complaint, and on proof thereof upon oath or affirmation, to the satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace who shall hear such complaint, then any such Magistrate or Magistrates, Justice or Justices is and are hereby directed and authorized by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by any such journeyman or servant to his master or mistress as or by way of recompense to him or her for the money he or she shall have paid by reason of the wilful act, neglect or default of any such journeyman or servant; and if any such journeyman or servant shall neglect or refuse on his conviction to make immediate payment of the sum of money which any such Magistrate or Magistrates, Justice or Justices shall order him to pay by reason of such his said wilful neglect or default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective jurisdiction, is or are hereby authorized and required by warrant under his or their hand and seal or hands and seals, to cause such journeyman or servant to be apprehended and committed to the House of Correction, or some other prison of the city, county, division or place in which such journeyman or servant shall be apprehended or convicted, to be there kept to hard labour for any term not exceeding One calendar Month nor less than Ten Days from the time of such commitment, as to such Magistrate or Magistrates, Justice or Justices shall seem reasonable, unless payment shall be made of the money ordered after such commitment and before the expiration of the said term.

Proceedings.

If Penalty on Journeymen not paid, Imprisonment, &c.

14.
Bakers baking Bread or Rolls on the Lord's Day, or selling Bread or baking Pies, &c. except between certain Hours.

Provided always, and be it Enacted, That no Master or Mistress, Journeyman or other person exercising or employed in the trade or calling of a Baker beyond the limits aforesaid, shall on the Lord's Day or on any part thereof, make or bake any Bread, Rolls or Cakes of any sort or kind or shall, on any other part of the said day after the hour of half-past One of the Clock in the Afternoon, sell or expose for sale, or permit or suffer to be sold or exposed for sale any Bread, Rolls or Cakes of any sort or kind, or bake or deliver, or permit or suffer to be baked or delivered, any meat, pudding, pie, tart or victuals, or in any other manner exercise the trade or calling of a Baker, or be engaged or employed in the business or occupation thereof, save and except so far as may be necessary in setting and superintending the Sponge to prepare the Bread or Dough for the following day's baking; and every 22 person offending against the last-mentioned regulations, or any one or more of them, and being thereof convicted before any Justice of the Peace of the city, county or place where the offence shall be committed, within Six Days from the commission thereof, either upon the view of such Justice, or on confession by the party, or proof by one or more witness or witnesses upon oath or affirmation, shall for every such offence pay and undergo the forfeiture, penalty and punishment hereinafter mentioned; (that is to say) for the first offence the penalty of Ten Shillings, for the second offence the penalty of Twenty Shillings, and for the third and every subsequent offence respectively the penalty of Forty Shillings, and shall moreover, upon every such conviction, bear and pay the costs and expenses of the prosecution, such costs and expenses to be assessed, settled and ascertained by the Justice convicting, and the amount thereof, together with such part of the penalty as such Justice shall think proper to be allowed to the prosecutor or 23 prosecutors for loss of time in instituting and following up the prosecution, at a rate not exceeding Three Shillings *per diem*, and to be paid to the prosecutor or prosecutors for his, her or their own use and benefit, and the residue of such penalty to be paid to such Justice, and within Seven Days after his receipt thereof to be transferred by him to some one of the Overseers of the Poor, or to some other officer, as the convicting Justice or Justices may direct, of the parish, township or place in which the offence shall have been committed, to be by such Overseer or other officer paid over to the use of the general rate of the county, riding or division in which such parish, township or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of such general rate as aforesaid; and in case the whole amount of the 24 penalty and of the costs and expenses aforesaid, be not forthwith paid after conviction of the offender or offenders, such Justice shall and may, by warrant under his hand and seal, direct the same to be raised and levied by distress and sale of the goods and chattels of the offender or offenders, and in default or insufficiency of such distress commit the offender or offenders to the House of Correction, with or without hard labour, on a first offence for the space of Seven days, on a second offence for the space of Fourteen Days, and on a third or any subsequent offence for the space of One Month, with or without hard labour, unless the whole of the penalty, costs and expenses be sooner

Penalty.

First Offence;

Second Offence; subsequent Offence.

Bakings may be delivered, till Half past One on Sundays.

paid and discharged: Provided nevertheless, That it shall be lawful for every Baker residing beyond the limits aforesaid to deliver to his or her customers on the Lord's Day any bakings until half an hour past One of the Clock in the afternoon of that day, without incurring or being liable to any of the penalties in this Act contained: Provided always, That the provisions of this Act, so far as they authorize the 25 baking and preparing Bread on Sundays, shall not extend to *Scotland*.

15.
Miller, Mealman or Baker acting as a Justice of the Peace.

Provided always, and be it Enacted, That no person who shall follow or be concerned in the business of a Miller, Mealman or Baker, shall be capable of acting or shall be allowed to act as a Justice of the Peace under this Act, or in putting in execution any of the powers in or by this Act granted; and if any Miller, Mealman or Baker shall presume so to do, he or they so offending in the premises shall for every such offence forfeit and pay the sum of One hundred Pounds to any person or persons who will inform or sue for the same, to be recovered, together with full costs of suit, in any of His Majesty's Courts of Record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoign, wager of law, or more than one imparlance shall be allowed.

Penalty 100*l.*

16.
Opposing Execution of Act.

And be it Enacted, That in case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this Act, every such person offending therein shall for every such offence forfeit any sum not exceeding Ten Pounds 26 at the discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such offence.

Penalty.

17.
Recovery and application of Penalties and Forfeitures.

And be it Enacted, That all penalties, forfeitures and fines by this Act inflicted or authorized to be imposed (the manner of levying and recovering and applying whereof is not herein otherwise directed,) shall, upon proof and conviction of the offences respectively before any Magistrate or Justice of the Peace for the city, county or place where the offence shall have been committed (as the case may require), either by the confession of the party offending, or by the oath, or in case of a Quaker on affirmation, of any credible witness or witnesses, which oath or affirmation every such Magistrate or Justice is in every such case hereby fully authorized to administer, be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by Warrant under the hand and seal of such Magistrate or Justice (which Warrant such Magistrate or Justice is hereby empowered and required to grant); 27 and the overplus (if any), after such penalties, forfeitures and fines, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties and forfeitures shall not be forthwith paid

Distress.

paid upon conviction, then it shall be lawful for such Magistrate or Justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such Warrant of Distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Magistrate or Justice for his or their appearance before such Magistrate or Justice, on such day or days as shall be appointed for the return of such Warrant of Distress, such day or days not being more than Seven Days from the time of taking any such security, and which security the said Magistrate or Justice is hereby empowered to take by way of recognizance or otherwise; but if upon the return of such Warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Magistrate or Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his hand and seal, to cause such offender or offenders to be committed to the common Gaol or House of Correction of the city, county or place where the offender shall be or reside, there to remain without bail or mainprize for any time not exceeding One calendar Month, with or without hard labour (save and except as herein otherwise directed), unless such penalties, forfeitures and fines, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the monies arising by such penalties, forfeitures and fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from time to time paid, one moiety thereof to the informer or person suing for and recovering the same, and the other moiety to some one of the Overseers of the Poor or to some other officer as the convicting Justice or Justices may direct of the parish, township or place in which the offence shall have been committed, to be by such Overseer or officer paid over to the use of the general rate of the county, riding or place in which such parish, township or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding or division shall be deemed an incompetent witness in any proceeding under this Act, by reason of the application of such penalty or forfeiture to the use of such general rate as aforesaid.

Imprisonment.

18.
Summonses served.

And be it further Enacted, That every Summons to be served on any offender against any of the provisions of this Act shall be in the form or to the effect following:

Form.

"To *A. B.* of

County of } WHEREAS complaint and information hath been
to wit. } made before me, *C. D.*, one of His Majesty's

Justices of the Peace [*or*, Magistrate] for the said county, &c., by *E. F.* of that, [*&c. here state the nature and circumstance of the case, as far as it shall be necessary to show the offence, and to bring it within the authority of* *the Justice or Magistrate, and in doing that follow the words of the Act as near as may be*]: These are therefore to require you personally to appear before me (or such other Justice or Magistrate as shall be then and there present) at in the said county, [*&c.*] on the day of next, at the hour of in the noon, to answer to the said complaint and information made by the said *E. F.*, who is likewise directed to be then and there present to make good the same. Herein fail not. Given under my hand this day of ."

19. Information for Offences.

And be it further Enacted, That every information to be laid before any Justice or Magistrate for any offence against this Act shall be in the form or to the effect following: 31

Form.

"County of } to wit. } BE it Remembered, That on the day of *A. B.* of in the said county, informeth me one of His Majesty's Justices of the Peace [*or*, Magistrate, *as the case may be*,] for the said county, that of in the said county [*here describe the offence, with the time and place, and follow the words of the Act as near as may be*], contrary to the Statute made in the year of the reign of King WILLIAM the Fourth, intituled, "An Act" [*set forth the title of this Act*], which hath imposed a forfeiture of for the said offence. Taken the day of before me, *C. D.*"

20. Informations laid before acting Magistrate of District.

Provided always, and be it Enacted, That all offences committed against this Act shall be laid before the Magistrate or Magistrates, Justice or Justices, usually acting in and for the district in which the offence shall have been committed, in a summary way, upon complaint; and the said Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to issue his or their Summons for the purpose of hearing and determining the same. 32

21. Power to summon Witnesses in prosecuting Offences.

And be it Enacted, That if it shall be made appear by the oath or affirmation of any credible person or persons, to the satisfaction of any Magistrate or Magistrates, Justice or Justices, that any person or persons within the jurisdiction of any such Magistrate or Magistrates, Justice or Justices, is or are likely to give or offer material evidence on behalf of the prosecutor of any offender or offenders against the true intent and meaning of this Act, or on behalf of the person or persons accused, and will not voluntarily appear before such Magistrate or Magistrates, Justice or Justices, to be examined, and give his, her or their evidence concerning the premises, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and 33 required to issue his or their Summons to convene every such person or persons before any such Magistrate or Magistrates, Justice or Justices, at such seasonable time as in such Summons shall be fixed; and if any person so summoned shall neglect or refuse to appear at the time by such Summons appointed, and no just excuse shall be offered for such neglect or refusal, then, after proof upon oath or affirmation of such Summons having been duly served upon the party or parties so summoned, every such Magistrate and Magistrates, Justice and Justices, is and are hereby authorized and required to issue his or their Warrant under his hand and seal, or their hands and seals, to bring every such person or persons before any such Magistrate or Magistrates, Justice or Justices; and on the appearance of any such person before any such Magistrate or Magistrates, Justice or Justices, every such Magistrate or Magistrates, Justice or Justices, is and are hereby authorized and empowered to examine upon oath or affirmation every 34 such person; and if any such person, on his or her appearance, or on being brought before any such Magistrate or Magistrates, Justice or Justices, shall refuse to be examined upon oath or affirmation concerning the premises, without offering any just excuse for such refusal, any such Magistrate or Magistrates, Justice or Justices, within the limits of his or their jurisdiction, may, by Warrant under his hand and seal, or their hands and seals, commit any person or persons so refusing to be examined to the public prison of the city, county, division, liberty or place in which the person or persons so refusing to be examined shall be, there to remain for any time not exceeding Fourteen Days, with or without hard labour, as any such Magistrate or Magistrates, Justice or Justices, shall direct.

Examination upon Oath.

Committal.

22.
False Evidence.

And be it Enacted, That if any person who shall take any oath or make any affirmation by this Act directed to be taken or made, shall wilfully forswear himself or herself, or make any false affirmation, 35 every such person shall be subject and liable to be prosecuted for Perjury by indictment or information, according to the due course of law, and, if convicted thereof, shall be subject and liable to the pains and penalties which persons convicted of wilful and corrupt Perjury are subject and liable to.

Perjury.

23.
Form of Conviction.

And be it further Enacted, That the Magistrate or Magistrates, Justice or Justices, before whom any person shall be convicted in manner prescribed by this Act, shall cause every such conviction to be drawn up in the form or to the effect following; (that is to say)

" } BE it Remembered, That on this day of
to wit. } in the year of the reign of
A. B. is convicted before His Majesty's Justice of

the Peace for the said county of [*or* for the division of the said county of *or* for the city, liberty, *or* town of *as the case shall happen to be,*] for ; and do adjudge him [*or* her, *or* them, *as the case may be,*] to pay and forfeit for the same the sum of . Given under the day and year aforesaid."

24.
Proceedings not quashed for want of Form.

And be it Enacted, That no order, judgment or conviction made 36 touching or concerning any of the matters in this Act contained, or of any proceedings to be had touching the conviction of any offender or offenders against this Act, shall be quashed for want of form, or be removed or removable by Certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the Summons, Conviction, Warrant of Distress, or any other proceeding relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio* on account of any irregularity which shall be afterwards committed by the party or parties distraining, but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage (if any) in an action on the case; but no Plaintiff or Plaintiffs shall recover in any action for 37 such irregularity as aforesaid if tender of sufficient amends hath been made by or on the behalf of the party distrained before such action brought.

Proviso for Tender of Amends.

25.
Appeal to Quarter Sessions.

Provided always, and be it hereby Enacted, That if any person or persons convicted of any offence punishable by this Act shall think him, her or themselves aggrieved by the judgment of the Magistrate or Magistrates, Justice or Justices, before whom he, she or they shall have been convicted, it shall be lawful for such person or persons from time to time to appeal to the Justices at the next General or General Quarter Sessions of the Peace which shall be held for the city, county, division, liberty, town or place where such judgment shall have been given, and that the execution of such judgment shall in such case be suspended, the person or persons so convicted entering into a recognizance within Twenty-four hours of the time of such conviction, with Two sufficient Sureties, in double the sum which such person or persons shall have been adjudged to pay or forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the Justices at their said next General or General Quarter 38 Sessions; which recognizance the Magistrate or Magistrates, Justice or Justices, before whom such conviction shall be had, is and are hereby empowered

Recognizance.

empowered and required to take; and the Justices in the said General or General Quarter Sessions are hereby authorized and required to hear and finally determine the matter of every such appeal, and to award such Costs as to them shall appear just and reasonable to be paid by either party; and if, upon hearing the said appeal, the judgment of the Magistrate or Magistrates, Justice or Justices, before whom the Appellant or Appellants shall have been convicted, shall be confirmed, such Appellant or Appellants shall forthwith pay down the sum he, she or they shall have been adjudged to have forfeited, together with such costs as the said Justices in their said General or General Quarter Sessions shall award to be paid to the prosecutor or informer for defraying the expenses sustained by reason of any such appeal; and in default of the Appellant's paying the same, any Two Justices, or any One Magistrate or Justice of the Peace having jurisdiction in the place
39 into which any such Appellant or Appellants shall escape, or where he, she or they shall reside, shall and may, by Warrant under their hands and seals or his hand and seal, commit any such Appellant or Appellants to the common Gaol of the city, county, division or place where he, she or they shall be apprehended, until he, she or they shall make payment of such penalty, and of the costs and charges which shall be adjudged on the conviction; but if the Appellant or Appellants in any such appeal shall make good his, her or their appeal, and be discharged of the said conviction, reasonable costs shall be awarded to the Appellant or Appellants against such Informer or Informers, who would (in case of such conviction) have been entitled to a moiety of the penalty to have been recovered as aforesaid, and which Costs shall and may be recovered by the Appellant or Appellants against any such Informer or Informers in like manner as costs given at any General or General Quarter Sessions are recoverable: Provided always, That no
40 person shall be detained in prison for any such offence for any greater length of time than Three calendar Months.

Final.

Costs.

Appellant not paying Sum adjudged against him.

Proceedings.

Penalties how divided.

Costs how recovered.

26.
Where Conviction within Six Days of Quarter Sessions, time allowed for Appeal.

Provided also, and be it Enacted, That if any such conviction shall happen to be made within Six Days before any General or General Quarter Sessions of the Peace shall be held for the city, county, division, town corporate, borough, or place where such conviction shall have been made, the party or parties who shall think him, her or themselves aggrieved by any such conviction shall and may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following General or General Quarter Sessions of the Peace which shall be held for any such county, division, city, town corporate, borough, liberty or place, where any such conviction shall have been made.

27.
As to Penalties in Scotland.

And be it Enacted, That in *Scotland* all Penalties incurred under the provisions of this Act, or of any of the before recited Acts, shall be

recoverable, with expenses, either before the Sheriff of the county or the Magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before Two or more Justices of the Peace of such county, at the instance either of the Procurator Fiscal of Court, or any person who may prosecute for the same; and the whole penalties, after deducting all charges and such remuneration to the person prosecuting as the said Judges shall think fit, shall be paid to the Poor of the place where such penalties shall be 41
awarded; and it is hereby provided, That it shall be competent for the said Courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses decerned for, failing payment within Fourteen Days after conviction, by poinding, or by imprisonment for a period, at the discretion of the Court, not exceeding Sixty Days, it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

28.
Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

And be it Enacted, That in *Scotland*, if any person or persons shall feel themselves aggrieved by the sentence of any Sheriff, or Magistrates of burghs or towns corporate, or Justices of the Peace, pronounced in any case arising under this Act, it shall be lawful for such person or persons to appeal to the Commissioners of Justiciary at the next Circuit Court, or where there is no Circuit Court, to the High Court 42
of Justiciary at *Edinburgh*, in the manner and under the rules, limitation and conditions contained in an Act passed in the twentieth year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for taking away and abolishing Heritable Jurisdictions in *Scotland*," with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the Court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the judgment of any Sheriff or Justices of the Peace acting under this Act under review by advocation, suspension or reduction, or in any other way than as herein provided.

20 G. 2. c. 43.

29.
Limitation of Actions.

And be it further Enacted, That every action or suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any Peace Officer or Officers, for

any matter or thing done or committed by virtue of or under this
Act shall be commenced within Six calendar Months next after the
fact committed, and not afterwards, and shall be laid or brought in
43 the city, county, or place where the matter in dispute shall arise,
and not elsewhere; and that the Statute made in the twenty-fourth
year of the reign of King George the Second, intituled, "An Act 24 G. 2. c. 44. extended to this Act.
for rendering Justices of the Peace more safe in the Execution of
their Office, and for indemnifying Constables and others acting in
obedience to their Warrants," so far as the said Act relates to the
rendering the Justices more safe in the execution of their office,
shall extend and be construed to extend to the Magistrate and Magistrates,
Justice and Justices of the Peace acting under the authority
or in pursuance of this Act; and that no action or suit shall be had Service of Writ upon Peace Officer.
or commenced against, nor shall any Writ be sued out or copy of
any Writ be served upon any Peace Officer or Officers for any thing
done in the execution of this Act, until Seven Days after a Notice in Notice.
writing shall have been given to or left for him or them at his or
their usual place of abode, by the attorney for the party intending
to commence such action; which Notice in writing shall contain the
name and place of abode of the person intending to bring such
action, and also of his Attorney, and likewise the cause of action
44 or complaint; and any Peace Officer or Officers shall be at liberty Tender of Amends.
and may by virtue of this Act, at any time within Seven Days after
any such Notice shall have been given to or left for him, tender or
cause to be tendered any sum or sums of money as amends for the
injury complained of to the party complaining or to the attorney
named in such Notice; and if the same be not accepted, the Pleaded.
defendant or defendants in any such action or actions, may plead
such tender in bar of such action or actions, together with the
General Issue or any other plea, with leave of the Court in which
the action shall be commenced; and if, upon issue joined on such
tender, the Jury shall find the amends tendered to have been sufficient,
they shall find a verdict for the defendant or defendants; and in
every such case, or if the plaintiff shall become nonsuit or discontinue
his action, or if judgment shall be given for the defendant or defendants
upon demurrer, or if any action or suit shall be brought after the
time limited by this Act for bringing the same, or shall be brought in
any other county or place than as aforesaid, then and in every such case
the Jury shall find a verdict for the defendant or defendants, and the
45 defendant or defendants shall be entitled to his or their Costs; but if Costs.
the Jury shall find that no such tender was made, or that the amends
tendered were not sufficient, or shall find against the defendant or defendants
on any plea or pleas by him or them pleaded, they shall then
give a verdict for the plaintiff, and such damages as they shall think
proper; and the plaintiff shall thereupon recover his costs against
every such defendant or defendants.

30. In Action for executing Act, General Issue may be pleaded.

And be it further Enacted, That if any action or suit shall be commenced against any other person or persons than a Magistrate, Justice or Peace Officer for any thing done in pursuance of this Act, the defendant or defendants in any such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to 46
have been done, or if a verdict shall be recorded for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his, her or their action after the defendant or defendants shall have appeared, or if judgment shall be given upon a verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants in every such action shall and may recover Treble Costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law for the recovery of his, her or their costs.

Treble Costs.

31. Limitation of Information.

Provided also, and be it further Enacted, That no person shall be convicted of any offence under this Act unless the complaint is made within Forty-eight Hours after the offence shall have been committed, or within such reasonable time as to the Justice or Justices shall seem fit, except in cases of Perjury; and that no person who shall be prosecuted to conviction for any offence done or committed against this Act shall be liable to be prosecuted for the same offence under any other law.

32. Application of Penalties.

And be it also Enacted, That all penalties and forfeitures by this Act inflicted, and the application of which is not hereinbefore directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say) One Moiety thereof, where any offender or 47
offenders shall be convicted either by his, her or their confession, or by the oath or affirmation of one or more credible witness or witnesses, shall go and be paid to the person or persons who shall inform against and prosecute to conviction any such offender or offenders; and the other Moiety thereof (or in case there be no such person informing, then the whole thereof) shall go and be paid to some one of the Overseers of the Poor, or to some other Officer, as the convicting Justice or Justices may direct, of the parish, township or place in which the offence shall have been committed, to be by such Overseer or Officer paid over to the use of the general rate of the county, riding or division in which such parish, township or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid.

Provided

33. Proviso for rights of particular Persons.

48 · Provided always, and be it Enacted, That this Act or any thing herein contained shall not extend or be construed to extend in any way to affect, lessen or infringe upon any right or custom of the Universities of *Oxford* or *Cambridge*, or either of them, or of any lord or lords of any leets, or the rights of any clerk or clerks of the market in any place which may be exercised and enjoyed by them or any of them by virtue of any charter, bye-laws, prescriptions, usages, customs, privileges, grants, or Acts of Parliament, except so far as relates to the Assize of Bread, and the regulations of the Price and Weight thereof; but that all such rights and privileges shall be held, exercised and enjoyed by the parties respectively entitled thereto, as fully and amply to all intents and purposes as the same were held, exercised and enjoyed before the passing of this Act; any thing herein contained to the contrary notwithstanding.

34. Commencement of Act.

And be it further Enacted, That this Act shall commence and take effect from and after the said First Day of October One thousand eight hundred and Thirty-five.

35. Act not to extend to Ireland.

And be it further Enacted, That nothing in this Act contained shall extend to *Ireland*.

36. Act may be amended, altered or repealed during the present Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Sale of Bread.

A

BILL,

INTITULED,

AN ACT to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour and Bread, beyond the Limits aforesaid.

Ordered, by The House of Commons, *to be Printed,*
28 *June* 1836.

384.

18 *May* 1836.—6 WILL. IV.

A

BILL

To provide for the Appointment and Election of Magistrates and Councillors for certain Burghs of Regality and Barony, and unincorporated Towns in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS there are various Burghs of Regality and Burghs of Barony, and considerable unincorporated Towns in Scotland which have no Municipal Government, or no adequate efficient Municipal Government, and it is expedient that a remedy should be provided in such cases; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *first Tuesday* in *November* next, there shall be in each of the several Burghs or Towns contained in the Schedules marked (A.), (B.) and (C.) respectively and hereunto annexed, the number and description of Magistrates and Councillors annexed to the name of each such Burgh or Town in the said several Schedules.

1.
Number of Councillors and Magistrates in each Burgh.

2.
Boundaries.

And be it Enacted, That the Boundaries of all such Burghs and Towns shall be such as are established by Charter, Grant, Prescription, Act of Parliament, or otherwise, and within a distance not exceeding *One thousand* Yards from such Boundaries.

3.
Description of Boundaries to be recorded in Sheriff Court Books.

And be it Enacted, That within *Two* Months after the *passing of this Act*, the Boundaries of every such Burgh or Town shall be described and recorded in the Sheriff Court Books of the County, and also in the Books of the Burgh or Town where such Books exist, and to this end, the Sheriff of the County in which any such Burgh or Town is situated shall, as soon as conveniently may be after the *passing of this Act*, proceed to such Burgh or Town, and ascertain, fix and describe the Boundaries of such Burgh or Town; and the said Sheriff shall cause a description thereof to be prepared under his direction, which he shall certify and sign; and such description, shall be recorded in the Sheriff Court Books, and in the Books of the Burgh or Town as aforesaid; and being so recorded, such description, together with *One thousand* Yards around the limits of the same, shall be deemed and taken to be the Boundaries of such Burghs or Towns to all intents and purposes.

4.
Councillors, by whom to be elected.

And be it Enacted, That the right of electing the Councillors in each of the said Burghs and Towns shall be in all the persons residing therein who are qualified to vote for a Member of Parliament for the County within which such Burgh or Town shall be situated, whose names shall be on the Register directed to be kept by an Act passed in the second and third year of the reign of His present Majesty, intituled, " An Act to amend the Representation of the People in Scotland," and which Register shall have been completed in terms thereof up to the period thereby directed next previous to the time hereinafter appointed for the election of such Councillors, and such Register so completed from time to time shall be and be deemed to be the Register of Electors of the Councillors for such Burghs or Towns respectively.

5.
Councillors to be chosen.

And be it Enacted, That upon the *first Tuesday* of *November* next, the Electors qualified and entered in the said Register in each of the said Burghs or Towns contained in the Schedules (A.), (B.) and (C.) to this Act annexed respectively, shall choose from among such of their own number as either reside within the Boundaries of such Burgh or Town, or as carry on business personally therein, the Councils of the said respective Burghs or Towns in manner following; (that is to say) the qualified Electors of each such Burgh or Town whose names shall be in the said Register, shall at some place or places to be appointed, of which intimation shall be made by Notice affixed on the church doors of the several parishes of such Burgh or Town *Ten* Days at least previous to such election, proceed to elect from and among the persons contained in the said Register, such a number of Councillors for such Burgh or Town, being either resident or personally carrying on business within such Burgh or Town respectively as hereinbefore provided, as are by the Schedules hereunto annexed, in which such Burgh or Town is placed, allotted to such Burgh or Town as the number of Magistrates and Council for such Burgh or Town respectively, by open poll, to be taken at the polling place appointed in each such Burgh or Town, in the presence of the Provost, or Chief or Senior Magistrate capable of attending in such Burgh or Town, or of a legal Substitute to be appointed by him, such Substitute being in the profession of the law, and being always an Advocate or a Writer to the Signet, or a Solicitor in the Superior or Inferior Courts of not less than *Three* Years' standing respectively, to officiate and preside at such elections; and the Town Clerks of such Boroughs or Towns, or the person who may be appointed by the Chief Magistrate thereof to officiate as Poll Clerks thereof (which person such Provost or Chief Magistrate is hereby authorized to appoint), shall each have with him a certified copy of the aforesaid Register, containing the names of the Voters qualified in respect of property situate in each such Burgh or Town, according to which the votes shall be taken; and it shall not be competent at such poll to inquire into any other facts than the identity of the party tendering a vote, and the person mentioned in such Register, his still holding the qualification then mentioned, and his not having previously voted at the same election; all which facts it shall only be competent to prove by the oath of the party so tendering his vote, if required by any other Voter on the Register, and no other oath shall be put at such election, except only an oath against bribery, which, if required by any Voter on the Roll, shall also be put by the Magistrate or Substitute at the polling place, which two oaths shall be put in the form of Schedules (D.) and (E.) to this Act annexed; and the Poll Clerk shall enter each vote for each person proposed in a Poll Book, and the Provost or Chief Magistrate or Substitute presiding at such election, and the Clerk or person taking the poll, shall subscribe their names to each page of such book before any entry shall be made in the succeeding page.

6.
In case there shall be no Chief or Senior Magistrate, the Sheriff of the County to preside at Election.

Provided always, and be it Enacted, That if in any case in which the Provost, or Chief or Senior attending Magistrate is directed to preside or act in any Burgh or Town under this Act in manner hereinbefore or hereinafter provided, there shall be no such Provost, or Chief or other Magistrate, the Sheriff of the County in which such Burgh or Town is situated, or one of his ordinary Substitutes, shall preside and act as such Provost or Chief or other Magistrate is hereby directed to preside and act as aforesaid, and in case there shall be no Town Clerk in any Burgh or Town to officiate or act in manner hereinbefore or hereinafter provided, the Sheriff-Clerk of the County within which such Burgh or Town is situate, or some person to be appointed by the Sheriff or Sheriff-Substitute, which person such Sheriff or Sheriff-Substitute is hereby authorized to appoint, shall officiate in place of the Town Clerk.

7.
Poll not to be open more than One Day.

And be it Enacted, That no Poll by this Act authorized to be taken shall be kept open for more than *One* Day, and that only between the hours of *Eight* in the Morning and *Four* in the Afternoon.

8.
Poll Books to be summed up by Provost, who shall declare the result.

And be it Enacted, That at all such elections of Councillors for the said Burghs or Towns, the Poll Books for the said Burghs or Towns shall, at the close of the poll, be sealed up by the persons who shall have presided at the elections and taken the polls thereat, and shall be transmitted to the Provost, or Chief or Senior Magistrate, who, on the next lawful day after the receipt of the same, between the hours of *Twelve* and *Two*, and within the Town House or other public building of such Burgh, shall openly break the seals, and, with the assistance of the Town Clerk and such other persons as he may think fit to employ, shall cast up the votes given, and shall declare upon whom the election has fallen by the majority of votes (making a double return in any case where the votes shall be equal), and shall forthwith give or cause to be given notice in writing to the several persons elected of such their election, and require them severally to appear in the Town House or other public room aforesaid on the *Second* lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of Councillor; and where there shall be a double return, or where any person elected shall decline accepting, then and in all such cases the presiding Magistrate shall immediately appoint a new election to supply the vacancy, at the distance of not more than *Four* nor less than *Two* Days, and affix notices of the day so appointed on the church doors of the Burgh or Town, and such election shall be proceeded in, in all respects, in the same manner in which the first election and the taking the poll, casting up the votes and declaring the result is hereinbefore directed to proceed, until the Council of such Burgh or Town shall be completed.

9. Persons elected failing to attend held to decline accepting.

And be it Enacted, That in all the cases of election hereinbefore directed, if any person elected as Councillor shall fail to attend on the day appointed for declaring his acceptance, he shall be held to have declined accepting the said office unless he then transmit to the meeting a sufficient written explanation, signed by himself or his agent, of the cause of his absence, and intimating his acceptance.

10. Succeeding annual Election of Council.

And be it Enacted, That upon the *first Tuesday* of *November One thousand eight hundred and Thirty-seven*, and upon the same day in every succeeding year, the Electors in such Burghs and Towns respectively shall in like manner assemble and elect, in manner hereinbefore prescribed in relation to the first election under this Act, *One-third* part, or as nearly as may be *One-third* part of the Council of each such Burgh or Town, in the place of the *Third* thereof who shall as hereinafter directed go annually out of office.

11. One-third part of the Council to go out of office annually.

And be it Enacted, That upon the said *first Tuesday* of *November* in the year *One thousand eight hundred and Thirty-seven*, and in every succeeding year, *One-third*, or a number as near as may be to *One-third*, of the whole Council of each such Burgh or Town shall go out of office, and in the said year *One thousand eight hundred and Thirty-seven*, the *Third* who shall go out shall consist of the Councillors who had the smallest number of votes at the election of Councillors in this present year, and in the succeeding year, *One thousand eight hundred and*

and Thirty-eight, the *Third* of the Councillors first elected under this Act who shall go out shall consist of the Concillors who, at such first election under this Act, had the next smallest number of votes (the majority of the Council always determining where the votes for any such persons shall have been equal, who shall be the persons to retire), and thereafter the *Third* of the Councillors so annually going out of office shall always consist of the Councillors who have been longest in office: Provided always, That any Councillors so going out of office shall be capable of being immediately re-elected.

12.
Election of Provost and Magistrates.

And be it Enacted, That the Councillors of the said Burghs or Towns respectively so elected and accepting shall, upon the *Third* lawful day after the election of the whole number of such Councillors in the present year, assemble in the Town House, or other public place of meeting, within such Burgh or Town, and shall there by a plurality of voices (the Councillor who had the greatest number of votes at the election of Councillors having a casting or double vote in case of equality) elect from among their own number the number of Magistrates allotted to such Burgh in the Schedule hereunto annexed, in which such Burgh or Town is placed.

13.
Election of Managers of Charities.

And be it Enacted, That the Councillors of the said several Burghs or Towns shall, in the like manner as they are hereinbefore directed to elect their Magistrates, at the same time and in the same manner elect the Manager of any charitable or other public institution, existing in or connected with such Burgh or Town, the appointment of the Managers of which is at present vested in the Magistrates and Town Council of such Burgh or Town.

14.
Existing Councils and Magistrates to go out on completion of next Election.

And be it Enacted, That upon the completion of the first election of Councillors, Magistrates and Office-bearers to be made in all the said Burghs or Towns, under the provisions of this Act, and not sooner, the Provost, Magistrates Office-bearers and other Councillors now in office in such Burghs or Towns respectively shall go out; and their whole powers, duties and functions shall cease and determine, except only where any of the said persons shall have been again elected under the provisions of this Act; and there shall thereafter be no other Magistrates or Officers for such Burghs or Towns than those hereby specified and directed to be elected and chosen.

15.
Election of Town Clerk.

And be it Enacted, That upon the completion of the first election of Magistrates and Council as hereinbefore directed, and annually thereafter, the Magistrates and Council of each such Burgh or Town respectively shall elect a Town Clerk for such Burgh or Town for the period of *One* Year, without prejudice to his re-election, and also such other Officers or servants as may be necessary for managing the affairs of such Burgh or Town who, unless where it may be necessary that any Officer be appointed for life or a term of years, shall be appointed during pleasure; and if any Officer shall be so appointed for life or a term of years, it shall not be lawful to appoint a successor to such Officer (unless to perform the duties ad interim) until after the expiration of *Three* Months from the time the office shall have become vacant, and until *Ten* Days' previous notice of the meeting for supplying the vacancy shall have been given on the church doors of the parish church or churches within the Burgh or Town.

16.
Vesting Property in Magistrates.

And be it Enacted, That the common good and property, heritable and moveable, and means and revenues, and income of every description belonging to or leviable within any Burgh or Town included in this Act, or to which such Burgh or Town is entitled, or which are held or administered for or on behalf of the community of such Burgh or Town for the public ends and purposes thereof (but subject to any liabilities to which the same are legally liable) shall be and the same are hereby vested in the Magistrates and Council to be elected for such Burghs or Towns respectively under the provisions of this Act, with full power, right and authority to adjudge, sue for and recover the same for the benefit of such Burghs respectively.

17.
Vesting Trust Property in the Magistrates.

And be it Enacted, That all mortifications, endowments, trusts or bequests, or trust property, held and administered by the present Magistrates and Councils of any such Burgh or Town, or by any person or persons, body or bodies, holding or administering the same in any such Burgh or Town in which there were heretofore no Magistrates and Council, for the behoof of such Burgh or Town, or the community thereof, (but subject to any liabilities to which the same are legally liable,) shall be vested in and held and administered by the Magistrates and Council to be elected and chosen for such Burghs or Towns respectively under the provisions of this Act, to, for and upon the trusts and purposes, and subject to all the conditions and provisions to, for, under and upon which the same were conveyed, granted or settled by the granters or makers of such mortifications, endowments, trusts and bequests, with full power, right and authority to adjudge, sue for, collect, levy and recover the same for the purposes thereof respectively, and for no other purposes.

18.
Assessment where Burghs have no common good or no sufficient common good.

And be it Enacted, That it shall be lawful for the Magistrates and Council of each such Burgh or Town which has no common good or means, or of which the common good and means are not sufficient to defray the expenses of the Municipal and Police Establishment of such Burgh or Town, to levy an assessment upon the real rent of all lands, houses and heritages within such Burgh or Town, not exceeding   in the pound of such real rent, in order to defray such expense or such part thereof as the present means of such Burgh or Town is inadequate to defray; and such assessment shall be laid on, levied and recovered in manner directed by an Act passed in the third and fourth year of the reign of His present Majesty, intituled, "An Act to enable Burghs in Scotland to establish a general System of Police:" Provided always, That no such assessment shall be imposed or levied unless the purpose of doing so shall have been approved of by a majority of at least *Two-third* parts of the Magistrates and Council of such Burgh or Town, at a meeting called on *Ten* Days' notice for the special purpose of considering such assessment, and held *Three* Months at least before the annual election of Councillors of such Burgh in any year, nor unless the same shall have been approved of by a majority of at least *Two-thirds* of the Magistrates and Council, at a meeting called for the special purpose, and held at least *Three* Months after the annual election of Councillors, subsequent to the consideration and approval of such purposes as aforesaid.

19.
Magistrates may agree for purchase of petty customs, &c.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any such Burgh or Town in which there is any petty custom, impost, rate or duty payable to the superior thereof, to contract and agree with such superior for the purchase of such petty customs, imposts, rates or duties, and to levy an assessment upon such Burgh or Town for the price agreed to be paid to the superior therefor, and for any interest that may accrue thereupon; provided that such and the like notice shall be given of the purpose to purchase and to assess as is herein required to be given of the purpose to impose and levy assessments in cases where there is no common good; and all such petty customs, imposts, rates or duties so acquired by any Burgh or Town shall be applied towards the defraying the municipal and other necessary expenses of such Burgh or Town.

20.
Provision for paving, lighting, &c. of Burghs.

And be it Enacted, That in all such Burghs or Towns in which there is no Act of Parliament for paving, lighting, watching, supplying with water and regulating the police of such Burgh or Town, it shall be lawful for the Magistrates and Council to put in force and observance the said last recited Act of the third and fourth year of the reign of His present Majesty, and the said Act, and all the powers, provisions and authorities therein contained in regard to paving, lighting, watching, supplying with water and regulating the police of any Burgh, shall be and the same are, with and under the conditions and limitations therein contained, applied to this Act, and shall be of the same operation, force and effect in so far as applicable and not inconsistent herewith, as if the same were herein repeated and enacted.

21.
Election of Trustees and Managers.

And be it Enacted, That where any trust or management is, by the terms of any Public or Local Act, or of any Charter or Deed of Foundation or other Deed, conferred on the present Magistrates and Council of any of the said Burghs or Towns, the Magistrates and Council, to be elected according to the provisions of this Act shall have the same powers and rights as such Trustees, Managers or Directors as belong to the existing Magistrates and Councils; and where any such trust or management is conferred on any particular members of the present Council or Magistracy, or Office-bearers of any such Burgh or Town, the Town Councils to be named and elected in terms of this Act shall, immediately after their own acceptance and induction into office, nominate and elect from their own body such number of persons to be such Trustees or Managers as are by such Acts, Charters or Deeds appointed to those offices under the said denominations; and the whole powers and functions now belonging to the said offices of Trustees or Managers shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used in the said Acts, Charters or Deeds, and such persons shall execute a declaration of trust, specifying the purposes for which and the conditions on which they hold such trusts, in conformity with the Acts, Charters or Deeds, or Bequest or Appointments by and under which such trust is created.

22.
Vacancies of Magistrates going out of office, how supplied.

And be it Enacted, That when any Magistrate or Office-bearer (other than the Senior or Chief Magistrate) shall be in the *Third* of the Council going out of office, the place of such Magistrate or Office-bearer shall be supplied by election by the Council as soon as the full number thereof shall have been completed by the annual election of the *Third* then hereby directed to take place; and the said election shall be made by plurality of voices, and the Chief or Senior attending Magistrate shall have a double or casting vote in case of equality: Provided always, That the Provost or Chief Magistrate and the Treasurer shall always remain in office for the period of *Three* Years, and that they, as well as all the other Magistrates or Office-bearers, shall at all times be capable of being re-elected.

23.
Vacancies occurring within the year, how to be supplied.

And be it Enacted, That if any vacancy shall in the course of the year occur in the Council or Magistracy, or Office-bearers of any such Burgh or Town by death, disability or resignation, the Electors entitled to vote for Magistrates or Councillors or Office-bearers shall, on a day to be fixed by the Chief Magistrate for the time being, not later than *Ten* Days after such vacancy, supply such vacancy by the election of a qualified person; and such election shall be held, and the voting and other proceedings shall be conducted in the same manner, and subject to the same provisions as are hereinbefore prescribed in regard to the election of Councillors and Magistrates, and every person so elected shall hold office until the time at which the person in whose place he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then duly qualified.

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24. Councillors, &c. may resign.

And be it Enacted, That any person elected and accepting the office of Councillor, Magistrate or other Office-bearer in any Town Council under the provisions of this Act, may resign his said office at any time, upon giving not less than *Three* Weeks' notice of such his intention by a written intimation to the Town Clerk or Chief or Senior Magistrate; and in the event of such resignation being intimated as to be made at the period of the annual retirement of *One-third* of the Council, such additional number of Councillors shall then be elected as may be necessary to complete the Council: Provided always, That no fine or other penalty shall be exigible from any person either declining to accept after his election, or subsequently resigning his office.

25. Burghs having no legal Councils.

And be it Enacted, That where any such Burgh or Town shall, in consequence of the decision of a Court of Law or other cause, be without any legal Council or Magistracy, all the functions directed by this Act to be performed by the existing Magistrates or Councils shall be performed by *One* or more of the Managers who may by any lawful appointment be authorized to administer the affairs of any such Burgh or Town, and in default of any such Managers by the Sheriff or Sheriff-Substitute of the County.

26. Town Clerk to give Notices.

And be it Enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh or Town of any meetings or proceedings to be held or had in the matter of the elections of or respecting such Burgh or Town, shall, where not directed to be otherwise given, be given or made by the respective Town Clerks thereof, or in case there shall be no Town Clerk, the duty imposed on the Town Clerk by this Act shall be performed by the Sheriff-Clerk of the County: Provided always, That no Councillor, nor the Partner in business of any Councillor, shall be entitled to hold the office of Town Clerk in any such Burgh or Town, and that no Town Clerk shall directly or indirectly interfere in the election of Magistrates or Councillors for such Burgh or Town.

27. Notices may be given at Place of Worship.

And be it further Enacted, That where there is no parish church within the Burgh, the Notices hereby required may be given at the principal place of Public Worship within the Burgh.

28. Fees of Substitutes, &c. how to be paid.

And be it Enacted, That the several persons officiating at elections as Substitutes for the Chief Magistrates in such Burghs or Towns, shall be entitled to receive a sum not exceeding *Three* Pounds and *Three* Shillings for each day they shall respectively be so employed, and the Poll Clerks the sum of *One* Pound and *One* Shilling each for the same period, which sum, together with all the other expenses attending such elections, or the making up of Registers, giving Notices at the church doors, and providing copies of the said

Registers or parts thereof for the purposes of election, shall be defrayed from the common good or other means or revenues of such Burghs or Towns respectively.

29. Magistrates and Town Council to have same powers as Magistrates and Council now existing.

And be it Enacted, That the Town Council to be elected for the said Burghs or Towns under the authority of this Act, shall have such and the like rights and powers of administration as is or are possessed by the Council of any Burgh in Scotland, and the Magistrates of such Burghs and Towns shall have such and the like jurisdiction as by law belongs to Magistrates of Burghs of Regality and of Barony, which were independent of the Lord of Regality or Baron as reserved to Burghs of Barony, by an Act passed in the twentieth year of the reign of his Majesty King George the Second, for taking away and abolishing the heritable jurisdictions in that part of Great Britain called Scotland, and such rights, powers, authorities and jurisdiction shall extend equally over all and every part of the limits of such Burghs or Towns as hereinbefore described: Provided always, That the Magistrates and Council of such Burghs or Towns shall not have the power of trying for crimes punishable by death or transportation, and that the rights, powers, authorities and jurisdiction hereby conferred shall in no case be exclusive of the authority and jurisdiction of any Admiralty Court or Dean of Guild Court now lawfully established, or of the Sheriff or Justices of the Peace of the County over the territory within the Boundaries of such Burghs or Towns respectively.

30. Magistrates, &c. to publish a State of their affairs yearly.

And be it Enacted, That the existing Magistrates and Council in all the Burghs or Towns contained in this Act shall, on or before the *Fifteenth* day of *October* in the present year, and the Magistrates and Council to be elected in such Burghs or Towns respectively shall in like manner, on or before the said *Fifteenth* day of *October* in all future years, make up a distinct State of their affairs, subscribed by the Chief or Senior Magistrate, Town Clerk and Treasurer (if there be a Treasurer), containing an account of all the funds, properties and revenues in their administration, and of all their transactions in relation to such funds, properties and revenues since they came into office, which account shall be brought down as nearly as may be to the said *Fifteenth* day of *October*, and shall be kept in the Town Clerk's or Treasurer's office for the inspection of any of the registered Electors from the said *Fifteenth* day of *October* down until the time of the election, and a full and distinct abstract of the said account, with a balance sheet containing all necessary particulars, shall be printed and published by the said Magistrates on or before the *Twentieth* day of the said month of *October*, and such states, accounts and abstracts shall be made as nearly as may be in conformity with the directions contained in an Act passed in the present Session of Parliament, intituled, "An Act to provide for the better Regulation of Municipal Corporations in Scotland."

And

31.
Penalty for wilful malversation.

And be it Enacted, That if any Magistrate, Councillor, Town Clerk, Sheriff or other person shall wilfully contravene or disobey the provisions of this Act, he shall be liable to be sued for such offence in the Court of Session by any person aggrieved, for the penal sum of *Three hundred* Pounds, which sum, or any smaller sum which may be assessed by the Jury in any such action, the Defender upon conviction shall pay to the Pursuer with full costs of suit: Provided always, That every such action shall be raised within *Four* calendar Months after the cause of action shall have arisen, and that notice in writing shall be given to the Defender at least *One* calendar Month before raising the same: Provided also, That any such Defender against whom judgment shall have been once recovered in such action, shall be entitled to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing; and such other action being thereupon dismissed, such Defender shall recover his full costs of suit.

32.
Three registered Electors may prosecute for Penalties, &c. &c.

And be it Enacted, That it shall be lawful for any *Three* registered Electors to complain by summary petition, either to the Court of Session or the Sheriff of the County, against any person for breach of any of the regulations to be imposed in virtue of this Act, or for the enforcement of the performance of the duties or observances, or the payment of any of the penalties hereby prescribed or imposed, or to apply summarily to such Court or Sheriff as aforesaid for interdict against any wrong done or contemplated against such Burgh or Town, or community, or the property thereof; and in any case where any abuse or malversation, or mismanagement in or of the funds or property of such Burgh or Town cannot be remedied or punished by reason of the neglect, poverty or collusion of the Electors, it shall be competent for the Lord Advocate of Scotland for the time being, for the public interest, to sue by summary application for the redress or punishment of such abuse or malversation or mismanagement, in the Court of Session, in his own name or through the Procurator Fiscal in the Sheriff Court; provided that every such complaint or application shall be lodged within *Three* Months of the date of the cause of complaint, and that within *Fourteen* Days thereafter the private parties so complaining shall have found caution to such amount as such Court or Sheriff may require for the payment of the costs to which such parties may eventually be subjected.

33.
Costs to be awarded in favour of the successful party in suits for Penalties.

And be it Enacted, That in all prosecutions for penalties, such Court or Sheriff shall award costs to the party in whose favour the decision of such Court or Sheriff shall be pronounced, and no part of any penalty, or the cost attending the prosecution for the same, decerned for against the Magistrates and Council, or the Office-bearers of any Burgh or Town, shall be paid from or charged against the funds thereof; and in all such other suits or complaints, such Court or Sheriff shall have full power to decide regarding costs, and to make the same chargeable, either on the funds of the Burgh or Town, on the private parties, as shall be just.

34. Registered Electors may sist themselves in suits or complaints.

And be it Enacted, That it shall be competent and lawful for any registered Elector to sist himself as Complainer or Pursuer in any such suit or complaint, and that, either in concurrence with the original Pursuers or Complainers, or if they shall have withdrawn or become incompetent to prosecute such suit or complaint by himself, and in case the original Pursuers or Complainers shall have ceased to be parties, such accessary Pursuer or Complainer, or Pursuers or Complainers, shall find caution as aforesaid for the payment of such subsequent costs as may eventually be awarded against them.

35. Like summary suit or complaint competent in Trusts.

And be it Enacted, That it shall be lawful for the registered Electors of any Burgh having an interest, and for the Lord Advocate of Scotland for the time being, to prosecute, in the manner hereinbefore authorized and directed, the like summary suits or complaints in regard to any penalty, wrong, abuse, malversation or mismanagement in relation to any trust property, or trust held or administered by the Magistrates and Council, or a *majority* of the Magistrates and Council of any such Burgh or Town.

36. Irregularity in the election of Councillors only to affect themselves.

And be it Enacted, That no irregularity or nullity in the election of any Councillors or Magistrates shall in any case after the *passing of this Act* annul or affect the election of other Councillors or Magistrates not liable to the same grounds of objection, but those particular elections only in which such irregularity or nullity shall have occurred; saving always and reserving to all and every person and persons, or class or community of persons, bodies politic, corporate and collegiate, all and every right of property within such Burghs or Towns which they respectively had or enjoyed before the *passing of this Act.*

37. Act may be altered.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts to be passed in the present Session of Parliament.

1,6d

SCHEDULES

Referred to in the foregoing ACT.

SCHEDULE (A.)

First Class.

Hawick - - - -	*One* Provost, *Three* Baillies, Treasurer, *Ten* Councllors.
Kirkintilloch - - - -	
Girvan - - - - -	
Kelso - - - - -	
Alloa - - - - -	
Dalkeith - - - -	
Kerriemuir - - - -	
Creiff - - - - -	
Strathaven - - - -	
Johnston - - - -	

SCHEDULE (B.)

Second Class.

Maybole - - - -	*One* Provost, *Two* Baillies, Treasurer, *Nine* Councillors.
Bathgate - - - -	
Pollockshaws - - -	
Lerwick - - - -	
Kilsyth - - - - -	
Stornoway - - - -	
Stonehaven - - - -	
Fraserburgh - - - -	
Borrowstounness - - -	
Huntley - - - -	
Dunse - - - - -	
Coldstream - - - -	
Galston - - - -	
Galashiels - - - -	
Thurso - - - - -	
Keith, and Fife Keith - -	
Beith - - - - -	
Largs - - - -	
Stewarton - - - -	

SCHEDULE (C.)

Third Class.

Newmills - - - -	*One* Provost, *Two* Baillies, *Six* Councillors.
Kilmaurs - - - -	
Laurenskirk - - - -	
Carluke - - - -	
Buckie - - - - -	
Gate-house of Fleet - -	
Langholm - - - -	
Dumblane - - - -	
Dunkeld - - - -	
Portsoy - - - - -	
Rosehearty - - - -	

SCHEDULE (D.)

I, A. B., do solemnly swear [or, affirm], that I am the individual described in the List or Roll for the Town or Burgh of as A. B. of [here insert description in the same words as contained in the Roll], that I am still the Proprietor [or, Occupant] of the Property for which I am so enrolled, and hold the same for my own benefit, and not in trust for or at the pleasure of any other person, and that I have not already voted at this election.

SCHEDULE (E.)

I, A. B., do solemnly swear [or, affirm], that I have not received or had by myself, or any person for my use or benefit, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office or gift, in order to give my vote at this election.

Burghs of Barony (Scotland.)

A

BILL

To provide for the Appointment and Election of Magistrates and Councillors for certain Burghs of Regality and Barony, and unincorporated Towns in Scotland.

(Prepared and brought in by
Sir Andrew Leith Hay, the Lord Advocate, and
Sir Henry Parnell.)

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A

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS there are various Burghs of Regality and Burghs of Barony, and considerable unincorporated Towns in Scotland which have no Municipal Government, or no adequate efficient Municipal Government, and it is expedient that a remedy should be provided in such cases; **Be it therefore Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *first Tuesday* in *November* next, there shall be in each of the several Burghs or Towns contained in the Schedules marked (A.), (B.) and (C.) respectively and hereunto annexed, which shall adopt the provisions of this Act in manner hereinafter mentioned, the number and description of Magistrates and Councillors annexed to the name of each such Burgh or Town in the said several Schedules.

1. Number of Councillors and Magistrates in each Burgh.

Provided always, and be it Enacted, That for the purposes of this Act, but not otherwise, the whole of the Burgh or Town of Galashiels as the same may be described and bounded under the authority of this Act, shall be deemed and taken to be within the County of Selkirk, and in like manner the whole of the Burgh or Town of Coupar-Angus shall be deemed and taken to be within the County of Perth, and it shall be competent and lawful for the Sheriffs and Sheriff Clerks of the said two Counties respectively within which the said Burghs or Towns of Galashiels and Coupar-Angus respectively are hereby declared to be situated, to exercise the jurisdictions and powers, and to perform the duties by this Act conferred and imposed upon Sheriffs and Sheriff Clerks.

2. Galashiels to be in Selkirkshire, and Coupar-Angus in Perthshire.

3.
Description of Boundaries to be fixed by Commissioners.

And be it Enacted, That within *Three* Months after the *passing of this Act*, the boundaries of every such Burgh or Town, (excepting the Burghs or Towns of Macduff and Maxwelton, of which the Boundaries are hereinafter specially described), shall be ascertained and fixed by Commissioners to be named and appointed by His Majesty for that purpose; and such Commissioners shall have regard to its being the purport and meaning of this Act, that there be comprehended within the Boundaries of every such Burgh or Town the whole of the houses and buildings contiguous or adjacent thereto, and which can be held to form a part thereof, although such houses and buildings or any part thereof may be known by a different name from the name of such Burgh or Town, together with such additional space as such Commissioners shall think necessary, with a view to the future probable extension thereof; and such Commissioners shall, upon such Boundaries being so ascertained and fixed, report the same to His Majesty's Privy Council, who shall cause such Report to be published by Royal Proclamation in the Gazette, and such Boundaries being so fixed, reported and published, shall be held and taken to be a part of this Act, in the same manner and to the same effect as if the same were particularly set forth and enacted herein.

4.
Act not to apply to Policies or Pleasure Grounds.

And be it Enacted, That none of the provisions of this Act shall apply or be deemed or taken to apply to any policy or pleasure grounds which shall have been made, planted or inclosed as such before the *passing of this Act*, notwithstanding that the same may have been comprehended within the line of the Boundary of such Burgh or Town so ascertained and fixed by such Commissioners.

5.
Chief Magistrate in certain Burghs to be denominated Provost.

AND inasmuch as in each of the Burghs of Barony of Macduff, Maxwelton, Bathgate, Castle-Douglas, Gatehouse and Pollockshaws, there now is a chief acting Magistrate denominated Provost; BE it Enacted, That the Chief or Senior Magistrate in such Burghs shall continue to be so denominated, anything in this Act or in the Schedule thereunto annexed to the contrary notwithstanding; and for the purposes of this Act, but not otherwise, the said Burghs of Barony of Macduff and Maxwelton respectively shall be bounded as follows; (namely) the said Burgh of Barony of Macduff shall be bounded as follows; from the Mineral Well of Tarlair along the shore of the Moray Frith to the Point where the River Deveron joins the Sea; thence up the right Bank of the River Deveron to a Point distant Two hundred Yards (measured along the said River) above the Bridge over the said River leading from the Town of Banff to Macduff; thence in a straight line to a Point on the Road from Macduff to Aberdeen which is distant Two hundred Yards (measured along such Road) to the South of the Point at which the same is crossed by the Deyhill Road; thence in a straight line to the Point first described: And the said Burgh of Barony of Maxwelton shall be bounded as follows; from the

Boundaries of Macduff.

Boundaries of Maxwelton.

Point on the right Bank of the Nith, which is cut by a straight line drawn upon the Bridge upon the Maryholm Burn on the Lincluden Road, from the Point on the North of the Town of Dumfries at which the Edinburgh Road joins the English Street Branch of the same Road, along that part of the said line from the said Point on the right Bank of the Nith to the said Bridge; thence in a straight line to a Point on the Terregles Road, which is distant Five hundred Yards (measured along Terregles Street and the Terregles Road) from the Point at which Terregles Street meets Galloway Street; thence in a straight line to the Point at which the Castle Douglas Road leaves the Dalbeattie Road; thence in a straight line to the Point at which the right Bank of the Nith is cut by a straight line drawn thereto due West from the Maiden's Bower Craig; thence along the right Bank of the Nith to the Point first described.

6.
Councillors, by whom to be elected.

And be it Enacted, That the right of electing the Councillors in each of the said several Burghs and Towns which shall have adopted the provisions of this Act, shall be in all the persons residing therein, and in such persons only, not subject to any legal incapacity, who shall for a period of not less than *Twelve* calendar Months next previous to the *last* day of in the present, or the *last* day of *July* in any future year, be in the occupancy either as proprietor, tenant or life-renter of any house, warehouse, counting-house, shop or other building within such Burgh or Town, which either separately or jointly with any other house, counting-house, shop or other buildings within such Burgh or Town, or with any land owned and occupied by him, and also situated within such Burgh or Town, shall be of the yearly value of not less than *Five* Pounds: Provided always, That no person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for *Six* calendar Months next previous to the *last* day of in the present, or the *last* day of *July* in any future year, within such Burgh or Town or within *Seven* statute Miles of some part thereof: Provided also, That persons so resident shall be entitled to be registered, and to vote, if they are the true owners of such premises as are hereinbefore mentioned within such Burgh or Town of the yearly value of not less than *Five* Pounds, although they should not occupy any premises within the same, or the premises actually occupied by them should be of less yearly value than *Five* Pounds, and that the husbands of such owners shall be entitled to vote either in the lifetime of their wives or after their death if then holding such property by the courtesy of Scotland: Provided also, That where any property which would enable the owner to be registered and to vote as above shall come to any person within the said period of *Six* Months by inheritance, marriage Settlement, mortis causa disposition, or by appointment to any place or office, such person shall be entitled to be registered on the first occasion of making up the List of Voters as hereinafter prescribed next following such succession or acquisition: Provided further, That no person shall be entitled to be registered or to vote in the election of Councillors who shall have been in the receipt of parochial relief within *Twelve* calendar Months next previous to the *last* day of   in the present year, or next previous to the *last* day of *July* in any succeeding year.

7.
Provisions as to Premises occupied in succession, and as to joint Occupants.

And be it Enacted, That the premises in respect of which any person shall be deemed entitled to be registered and to vote in the election of any Burgh or Town, shall not be required to have been the same premises for the whole *Twelve* Months of his occupancy, but may be different premises (but always of the requisite value) occupied in succession by such person: Provided always, That where such premises shall be of the yearly value of *Ten* Pounds or upwards, and shall be jointly occupied by more than *One* person, each of such joint occupiers shall be entitled to be registered and to vote, provided his share and interest in the same shall be of the yearly value of *Five* Pounds or upwards.

8.
Claims of Electors, how to be made.

And be it Enacted, That every person claiming to be an Elector in any such Burgh or Town shall, within *Twenty-one* Days after the Boundaries thereof shall have been fixed, reported and published as aforesaid in the present year, give in his claim, subscribed by himself or his agent (together with any written title or other evidence he may choose to produce along with such claim,) to the Sheriff Clerk of the county within which such Burgh or Town is situated, and, if this Act shall be adopted as hereinafter specified, shall, on or before the *Twenty-first* day of *July* in any succeeding year, give in such claim and such title or other evidence to the Town Clerk of such Burgh or Town, such claim being in the form as nearly as may be of the first part of Schedule (D.) to this Act annexed, printed copies of which forms or Schedules, with the necessary blanks therein to be filled up by the claimant, every Sheriff Clerk and Town Clerk respectively is hereby required to provide and to furnish copies of the same to all applicants upon payment of the sum of *Sixpence* only for each copy, upon which copies all the claims to be given in shall be engrossed by the said claimants; and such Sheriff Clerk or Town Clerk respectively immediately on receiving such claim shall mark upon it the date when it was delivered to him, by filling the same up as nearly as may be in the form of the second part of the said Schedule (D.) to this Act annexed, and such Sheriff Clerk in this present year, within *Four* Days after the last day for receiving such claims and after consulting with the Sheriff, and such Town Clerk in every subsequent year, within *Four* Days after the *last* day for receiving such claims, and after consulting with the Chief Magistrate of such Burgh or Town (or in case of his absence or disability, the Senior Magistrate capable of attending), shall respectively give or cause to be given intimation of all such claims by affixing on the Church doors of the several Parishes within which such Burgh or Town or any part thereof is situated, a written or printed alphabetical list containing the names, designations and places of abode of all such claimants, together with a notice specifying the place where and the day and the hour at which such claims are to be considered, which day shall not be less than *Twenty* nor more than *Twenty-five* Days after the last day appointed for receiving such claims in the present and future years respectively; and such notice shall also bear that any objection to such claims will be at the same time taken into consideration, provided such objections shall be lodged with the Sheriff Clerk or Town Clerk respectively, and intimated to the party objected to, by either delivering a copy of the objection to him personally or leaving the same at his dwelling-house, or transmitting it to him by post *Seven* Days previous to the day appointed for considering the same and deciding upon such claims, and all such objections shall be signed by the party objecting or his agent, and be drawn up as nearly as may be in the form of the Schedule (E.) to this Act annexed; and printed copies of such forms or schedules shall be provided by each Sheriff Clerk and Town Clerk respectively, and shall be furnished to each person applying, upon payment of the sum of *Sixpence* for each copy, and upon these copies all the objections shall be engrossed by the objectors, and the date of lodging the same shall be marked by the Sheriff Clerk or Town Clerk thereon, and the persons claiming and the persons objecting to such claim shall have access to see such claims and objections in the Sheriff Clerk's or Town Clerk's Office respectively (as the case may be) at all seasonable hours, without payment of any fee for such inspection, and to obtain extracts or copies thereof, paying for any extract or copy of the same at the rate of *Sixpence* for every *Seventy-two* words.

9. **Persons registered to pay Two Shillings.**

And be it Enacted, That every person claiming to be registered shall at the time of making such claim pay a fee of *Two Shillings* to the Sheriff Clerk, or Town Clerk receiving such claim; out of which monies the said Clerks respectively shall be obliged to defray the expense of making up the registers and making copies thereof for the different polling places in the Burgh or Town, and shall perform all the Clerk's business without farther remuneration.

10. **Assessor to be appointed.**

And be it Enacted, That the Sheriff or his Substitute to be appointed by him as hereinafter mentioned in this present year, and the Chief Magistrate, or in cases of his absence or disability the Senior Magistrate capable of attending (and Assessor, if appointed as hereinafter mentioned), in all future years shall at the hour appointed proceed to consider the claims and objections lodged, and shall hear the parties or their agents thereupon, and receive all competent evidence which either party may produce in support of his claim or objection respectively; but no written pleadings shall be admitted, nor any record kept of the proceedings, except that the Sheriff or Substitute, or Magistrate or Assessor respectively, shall make a note of the names of the witnesses who may be examined, and authenticate by his signature any document or written evidence which may be produced; and no other witnesses shall be examined, and no other documents produced in any Court of Review than those so noted and authenticated, and where satisfied that the claim is good, the said Sheriff or Magistrate respectively shall write thereon the word "Admit," and sign his name thereto, and where satisfied that the claim is bad, he shall write thereon the word "Reject," and sign his name thereto; and where the claim shall be sustained the claimant's name shall be enrolled or entered by the Sheriff Clerk or Town Clerk of such Burgh or Town respectively in a list or roll of Electors to be kept for such Burgh or Town respectively: Provided always, That the said Sheriff shall, if he find it necessary, appoint, and he is hereby authorized and empowered to appoint a Substitute or Substitutes at his discretion, and without observing the forms necessary in the appointment of ordinary Substitutes receiving salaries, to officiate and preside at the decision of all claims under this Act: Provided also, That the Chief Magistrate, or in case of his absence or disability the Senior Magistrate capable of attending, shall, if he consider it necessary, or if required by any *Three* persons claiming or objecting as aforesaid, previous to the day appointed for the consideration of such claims and objections, make choice of and appoint a person of the profession of the law to be an Assistant or Assessor to him, and to officiate and preside at the decision thereof and at all elections to take place under this Act, such Assessor being always an Advocate or Writer to the Signet, or a Solicitor of Supreme Courts, or a Procurator in the Inferior Courts, of not less than *Three* Years' standing respectively.

Substitutes and Assessors to be appointed.

1.
Lists of Electors to be made up.

And be it Enacted, That the Sheriff Clerks of the Counties in which such Burghs or Towns are situated, shall, on or before the day of in the present year, cause the list or roll hereinbefore directed to be made up to be completed, and the Town Clerks of such Burghs or Towns shall, on or before the *Sixteenth* day of *September* in all future years, make up and complete a list or roll of persons entitled to vote in the election of the Council of such Burgh or Town, in manner following, namely, the Sheriff Clerks as aforesaid in this present year, and the Town Clerk of each such Burgh or Town in all future years, shall make up and complete such list of all persons entitled to vote in the election of Councillors for such Burgh or Town who shall have been admitted as Electors by the Sheriff or by the Chief or Senior Magistrate in such Burghs or Towns respectively in manner herein before directed.

12.
Appeal to the Court of Review under recited Act.

And be it Enacted, That the judgments of the Sheriff or Chief Magistrate or Assessor granting or refusing registration shall so long as they remain unaltered be conclusive of the rights of parties claiming or objecting as aforesaid; but if either party shall be dissatisfied with the decision of the Sheriff or his Substitute, or the Chief Magistrate or Assessor admitting or rejecting any claimant for the right of being an Elector in any such Burgh or Town, it shall be competent to such party within *Five* Days of the date of the decision, but not thereafter, to appeal to the Court of Review appointed by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People in Scotland," for deciding upon appeals as to the registration of voters for Members of Parliament for the district within which such Burgh or Town may be situate, the appellant always giving notice within the time above specified to the Sheriff Clerk or the Town Clerk of such Burgh or Town and to the opposite party of such appeal, the notice to the said party being either delivered personally, left at his dwelling-place or transmitted through the Post-office, and producing to the Court of Appeal evidence of such notice before such Appeal shall be heard; and it shall be competent for such Court of Appeal, if it shall affirm the Judgment appealed from, to find expenses due by the Appellant, and to decern for the same; and upon production of the Judgment of such Court or an extract thereof to the Sheriff Clerk or Town Clerk, (as the case may be) keeper of the list or roll of Electors of such Burgh or Town, such Sheriff Clerk or Town Clerk shall forthwith, where necessary, alter and correct such list or roll in accordance with the judgment of such Court; and the Sheriffs acting in such Courts of Appeal shall always proceed to the consideration of Appeals under this Act immediately after they have disposed of all the Appeals under the said recited Act, and shall be entitled to add the periods of time during which they may be exclusively occupied with the said Appeals under this Act to the periods occupied with the said other Appeals, and to make the same charges for the time so occupied in their accounts in Exchequer as is by the said recited Act provided as to such other Appeals.

13.
Majority of qualified Electors may require Sheriff to declare the Act adopted.

And be it Enacted, That if after the boundaries of any Burgh or Town shall have been fixed, reported and published as aforesaid and the list or roll of Electors qualified as by this Act required shall have been made up in manner hereinbefore directed, a majority of such Electors shall by a written requisition, signed by them and addressed to the Sheriff, in the form of the Schedule (F.) hereunto annexed, or to the like effect, intimate their desire to adopt the provisions of this Act, and require the Sheriff to declare that the same have been adopted and that such Burgh or Town is under and subject to the said Act, the said Sheriff shall within *Six* Days after the receipt of such requisition cause intimation thereof to be made, by a notice containing a copy of the said requisition and of the names of the parties thereto subscribing, affixed upon the doors of the Parish Church or Churches within which the said Burgh or Town, or any part or parts thereof, is situated, that such requisition has been made, and requiring any qualified elector who may object thereto to the effect after mentioned, to give in his objections to the Sheriff Clerk within *Fourteen* Days after such intimation.

14.
Objections to Requisition may be made.

And be it Enacted, That it shall be competent for any Elector, within the time so fixed by the Sheriff, but not thereafter, to give in written objections to the requisition so made to the Sheriff, upon the ground that the same is not signed by a majority of the Electors of such Burgh or Town, or that the Electors subscribing or any of them have ceased to hold the qualification upon which he or they was or were enrolled; and the Sheriff shall direct such proceedings thereupon as he shall think fit, and shall thereafter proceed to dispose of such application, and shall award such expenses as he may think fit against the parties preferring the requisition or objecting thereto.

15.
If Requisition duly made, Act to be declared to apply.

And be it Enacted, That if no objections shall be given in to such requisition, or if given in the Sheriff shall find such requisition to have been duly made, he shall pronounce an Interlocutor finding and declaring that this Act and the provisions thereof have been adopted and are and shall thereafter be applicable to such Burgh or Town; and if he shall find that such requisition has not been duly made, he shall pronounce an Interlocutor to that effect, and either such Interlocutor may be submitted to the review of the Lord Ordinary in the Bills, by a Reclaiming Note to be presented within *Fourteen* Days after such Interlocutor, and the decision of the said Lord Ordinary shall be final and conclusive; and the Interlocutor of such Sheriff or Lord Ordinary, as the case may be, finding that the requisition has been duly made, and the Act adopted shall be registered in the Sheriff Court Books, and be intimated by a copy thereof being affixed on the doors of the Church or Churches of the Parish or Parishes within which such Burgh or Town, or any part thereof, is situated, within *Ten* Days after the date thereof, and shall also be published in the Edinburgh Gazette as soon as may be after such date, and being so published this Act shall thereafter be applicable and shall comprehend and apply to such Burgh or Town to all intents and purposes.

16.
Roll of Electors may be made up and requisition renewed in future years.

And be it Enacted, That if any Burgh or Town shall not have adopted the provisions of this Act during the first year after the passing of the same, it shall be competent for any *Ten* or more persons on the list or roll of Electors of such Burgh or Town retaining their qualification, at the distance of not less than *Two* Years thereafter, to apply to the Sheriff to have the list or roll of Electors made up of new, or completed;

pleted; and it shall be lawful for a *majority* of the Electors in such completed list to apply to the Sheriff by requisition as aforesaid, to declare the provisions of this Act adopted in such Burgh or Town; and the Sheriff shall thereupon follow forth the proceedings hereinbefore prescribed in relation to requisitions for the like purpose; and if the Sheriff on any such occasion shall find that a *majority* of the Electors have not subscribed such requisition, it shall be competent, at the distance of not less than *Two* Years thereafter, to renew such application, requisition and proceedings; and in all such cases the Sheriff shall decide as to expenses as he shall think just.

17.
Lists to be accessible, and Objection may be made.

And be it Enacted, That each Town Clerk in each Burgh or Town which shall have adopted the provisions of this Act, shall in every succeeding year keep his List or Roll of Electors in the Town Clerk's Office or other place appointed for keeping the Records of such Burgh or Town, accessible without fee, between the hours of *Ten* of the clock in the Forenoon and *Four* of the clock in the Afternoon from the *First* to the *Tenth* day of *August*, and within *Five* Days after the last of these days any person intending to object to the continuance of any name on the said List or Roll in any such Burgh or Town shall be bound to give in his objections to such Town Clerk in the same way and manner, and to be disposed of by such Town Clerk and Chief Magistrate or Assessor in all respects as objections against original claims are herein directed to be disposed of, and each Town Clerk in such Burghs or Towns shall on or before the *Tenth* day of *September* in each such year proceed to correct and complete such List or Roll of Electors, by removing therefrom all the names to which such objection shall have been sustained and also the names of any persons who may be known to have died since such List or Roll was last completed, and shall also insert in such List or Roll the names of any persons who shall respectively have been admitted as Electors by the Chief or Senior Magistrates of such Burghs or Towns respectively in manner hereinbefore directed; and all persons interested shall be entitled to extracts from the said Lists, paying the Town Clerk for every extract at the rate of *Sixpence* for every *Seventy-two* words contained therein.

18.
Councillors to be chosen.

And be it Enacted, That upon the *first Tuesday* of *November* next, the Electors qualified and entered in the said List or Roll in each of the said Burghs or Towns contained in the Schedules (A.), (B.) and (C.) to this Act annexed respectively which shall have adopted the provisions of this Act, shall choose from among such of their own number as either reside within the Boundaries of such Burgh or Town, or as carry on business personally therein, the Councils of the said respective Burghs or Towns in manner following; (that is to say) the qualified Electors of each such Burgh or Town whose names shall be in the said

said List or Roll, shall, at some place or places to be appointed by the Sheriff, of which intimation shall be made by Notice by the Sheriff-Clerk affixed on the Church doors of the Parish or several Parishes in which such Burgh or Town or any part thereof is situated *Ten* Days at least previous to such election, proceed to elect from and among the persons contained in the said List or Roll, such a number of Councillors for such Burgh or Town, being either resident or personally carrying on business within such Burgh or Town respectively as hereinbefore provided, as are by the Schedules hereunto annexed, in which such Burgh or Town is placed, allotted to such Burgh or Town as the number of Magistrates and Council for such Burgh or Town respectively, by open poll, to be taken at the polling place appointed in each such Burgh or Town, in the presence of the Sheriff of the County, or his substitute to be appointed as aforesaid; and the Sheriff Clerks aforesaid, or the persons who may be appointed by the Sheriff to officiate as Poll Clerks thereat (which person such Sheriff is hereby authorized to appoint), shall each have with him a certified copy of the aforesaid List or Roll, containing the names of the Voters qualified in respect of property situate in each such Burgh or Town, according to which the votes shall be taken; and it shall not be competent at such poll to inquire into any other facts than the identity of the party tendering a vote, and the person mentioned in such List or Roll, his still holding the qualification then mentioned, and his not having previously voted at the same election; all which facts it shall only be competent to prove by the oath of the pary so tendering his vote, if required by any other voter on the List or Roll, and no other oath shall be put at such election, except only an oath against bribery, which, if required by any voter on the Roll, shall also be put by the Sheriff or Substitute at the polling place, which two oaths shall be put in the form of Schedules (G.) and (H.) to this Act annexed; and the Poll Clerk shall enter each vote for each person proposed in a Poll Book, and the Sheriff or Substitute presiding at such election, and the Clerk or person taking the poll, shall subscribe their names to each page of such book before any entry shall be made in the succeeding page.

19.
Poll not to be open more than One Day.

And be it Enacted, That no Poll by this Act authorized to be taken shall be kept open for more than *One* Day, and that only between the hours of *Eight* in the Morning and *Four* in the Afternoon.

20.
Poll Books to be summed up and the Result declared.

And be it Enacted, That at all such elections of Councillors for the said Burghs or Towns, the Poll Books for the said Burghs or Towns shall, at the close of the poll, be sealed up by the Poll Clerk, and shall be delivered to the person who shall have presided at the election, who, on the next lawful day after the receipt of the same, between the hours of *Twelve* and *Two*, and within the Town House or other public building of such Burgh, shall openly break the seals, and, with the assistance of such persons as he may think fit to employ, shall cast up the votes given, and shall declare upon whom the election has fallen by the majority of votes (making a double return in any case where the votes shall be equal), and shall forthwith give or cause to be given notice in writing to the several persons elected of such their election, and require them severally to appear in the Town House or other public room aforesaid on the *Second* lawful day after such election, when they shall severally declare whether they accept or decline accepting the office of Councillor; and where there shall be a double return, or where any person elected shall decline accepting, then and in all such cases the Sheriff shall immediately appoint a new election to supply the vacancy, at the distance of not more than *Four* nor less than *Two* Days, and affix notices of the day so appointed on the Church doors of the Burgh or Town, and such election shall be proceeded in, in all respects, in the same manner in which the first election and the taking the poll, casting up the votes and declaring the result is hereinbefore directed to proceed, until the Council of such Burgh or Town shall be completed.

21.
Persons elected failing to attend held to decline accepting.

And be it Enacted, That in all the cases of election hereinbefore directed, if any person elected as Councillor shall fail to attend on the day appointed for declaring his acceptance, he shall be held to have declined accepting the said office unless he then transmit to the meeting a sufficient written explanation, signed by myself or his agent, of the cause of his absence, and intimating his acceptance.

22.
List of Councillors to be made up.

And be it Enacted, That in this present year the Sheriff Clerk of the respective Counties within which such Burghs or Towns are situated, shall immediately upon the completion of the Election of Councillors as aforesaid make up a roll of such Councillors, in the order as nearly as may be of the number of votes which each Councillor had at the said first Election of Councillors; the Councillors having the greatest number of votes standing first on the said roll, and the other Councillors having priority according to the respective numbers of votes obtained by each; and where the number of such votes is equal, then the respective Councils, after being inducted into office, shall determine the place upon the said list or roll of such Councillors so having an equal number of votes; and the Town Clerk of such Burghs or Towns respectively shall, at each future Election, add to such roll the names of persons elected Members of Council in the same order as is hereinbefore pescribed in relation to the list or roll of Councillors to be first made up under this Act, and the seniority of the Councillors shall in all cases be determined according to their place on the said roll so made up by the Town Clerk, or so determined by the Council, in cases of equality of votes as aforesaid.

23.
Vacancies of Magistrates going out of Office, how supplied.

And be it Enacted, That when any Magistrate or Office-bearer shall go out of office at the annual retirement of Councillors, the place of such Magistrate or Office-bearer shall be supplied by election by the Council as soon as the full number thereof shall have been completed by the annual election then hereby directed to take place; and the said election shall be made by plurality of voices, and the Chief or Senior attending Magistrate shall have a double or casting vote in case of equality: Provided always, That the Chief Magistrate and the Treasurer shall always remain in office for the period of *Three* Years, and that any person elected a Bailie shall continue to hold the office of Bailie during the term for which he has been elected a Councillor, and Magistrates or Councillors going out of office shall at all times be capable of being re-elected, if then duly qualified.

24.
Vacancies occurring within the year, how to be supplied.

And be it Enacted, That if any Vacancy shall in the course of the year occur in the Council or Magistracy, or Office-bearers of any such Burgh or Town by death, disability or resignation, the Electors entitled to vote for Councillors shall, on a day to be fixed by the Chief Magistrate for the time being, not sooner than *Six* or later than *Ten* Days after such Vacancy, supply such Vacancy by the election of a qualified person as Councillor; and thereafter the Council shall fill up by election any vacant office of Magistrate or Office-bearer arising from such death, disability or resignation; and such election of Councillors or Magistrates or Office-bearers shall take place, and the voting and other proceedings shall be conducted in the same manner, and subject to the same provisions as are hereinbefore prescribed in regard to the election of Councillors Magistrates and Office-bearers, and every person so elected a Councillor as aforesaid shall remain in the Council, and every person elected a Magistrate or Office-bearer as aforesaid shall hold such office until the time at which the person in whose place he or they was or were chosen would regularly have gone out of office, and shall then go out of office, but shall be capable of immediate re-election if then duly qualified.

25.
Persons holding Contracts, &c. not eligible as Councillors.

And be it Enacted, That no person in any Burgh who is directly or indirectly by himself or any partner concerned or interested in or under any contract with, by or on behalf of such Burgh, or to which such Burgh is a party, or who holds directly or indirectly by himself or any partner any place of profit, office or employment under or in the appointment of the Magistrates and Council of such Burgh, shall be capable of being elected or of acting as a Councillor thereof while he shall hold such place of profit, office or employment, or during the subsistence of such contract, or while any claim arising out of the same shall be unsettled, nor shall any Councillor or Magistrate be capable of being elected to any such place of profit, office or employment until

One Year after he shall cease to be a Councillor or Magistrate; provided that no person shall be disqualified from being a Councillor by reason of his being a proprietor or shareholder of any Company which may have a contract with such Burgh, the shares of which Company are transferable by public sale.

26. Chief Magistrates to act at future Elections.

And be it Enacted, That in all future years and at all such future Elections the powers, authorities and duties hereby conferred and imposed upon the Sheriffs and their Substitutes, and Sheriff Clerks or other persons to be appointed by the Sheriff to act under the provisions of this Act, regarding the receiving and disposing of claims and objections, in so far as not hereinbefore provided, and making up lists, presiding and officiating at elections, taking the poll and declaring the election, and all other matters and things in relation thereto, shall be, and the same are hereby conferred and imposed upon the Chief Magistrates, Assessors, Town Clerks and other persons to be elected and appointed under the provisions of this Act, according to the several and respective duties of each, to the same effect as the same are hereby conferred upon such Sheriffs, Substitutes, Sheriff Clerks and other.

27. Council, how to go out of Office.

And be it Enacted, That upon the *first Tuesday* of *November* in the year *One thousand eight hundred and Thirty-seven*, *One-third* of the whole Council of each such Burgh or Town in the Schedules (A.) and (C.) to this Act annexed shall go out of office, and *Three* Councillors in the Schedule (B.) to this Act annexed shall go out of office, the Councillors so going out consisting of those who stand lowest upon the said List or Roll of Councillors for the present year; and in the succeeding year *One thousand eight hundred and Thirty-eight*, *One-third* of the whole Council of each such Burgh or Town in the said Schedules (A.) and (C.) shall go out of office, and *Four* Councillors of each Burgh or Town in the said Schedule (B.) shall go out of office, the Councillors so going out consisting of those who at the first election under this Act stand next lowest upon the said List or Roll of Councillors; and in the year *One thousand eight hundred and Thirty-nine*, the remaining third of the Councillors of each Burgh or Town in the said Schedules (A.) and (C.), chosen at the first election under this Act, and the remaining *Four* Councillors of each Burgh or Town in the said Schedule (B.) chosen at the first election under this Act shall go out of office, and in all future years the Councillors shall annually go out of office, according to the rotation, and in the manner hereby prescribed for the retiring of Councillors in the Burghs or Towns in the said respective Schedules in the three first years respectively: Provided always, That Councillors on going out of office shall be capable of being immediately re-elected.

And

28.
Succeeding annual Election of Council.

And be it Enacted, That upon the said *first Tuesday* of *November One thousand eight hundred and Thirty-seven*, and upon the same day in every succeeding year, the Electors in such Burghs or Towns respectively shall in like manner assemble and elect, in manner hereinbefore prescribed in relation to the first election under this Act, such number of Councillors as shall supply the place of the Councillors who shall as hereinbefore directed go annually out of office: Provided always, That in case any of the days hereinbefore mentioned shall happen to be a Sunday or other holiday on which no business is usually transacted, then and in that case the several acts and proceedings appointed to take place on such days shall take place on the day next ensuing.

29.
Election of Provost and Magistrates.

And be it Enacted, That the Councillors of the said Burghs or Towns respectively so elected and accepting shall, upon the *Third* lawful day after completing the election of the whole number of such Councillors in the present year, assemble in the Town-house, or other public place of meeting, within such Burgh or Town, to be fixed by the Sheriff, and shall there by a plurality of voices (the Councillor who stands first in the List or Roll of Councillors to be made up as aforesaid, having a casting or double vote in case of equality) elect from among their own number the number and description of Magistrates allotted to such Burgh or Town in the said Schedule hereunto annexed, in which such Burgh or Town is placed, and also the Treasurer.

30.
Magistrates and Council to come in place of Trustees or Managers, &c.

And be it Enacted, That where any trust or management is, by the terms of any public or local Act, or of any Charter or Deed of Foundation or other Deed, conferred on the present Magistrates and Council of any of the said Burghs or Towns, or where there has by any such Act, Charter or Deed been devolved upon any Trustee or Trustees, Manager or Managers, Commissioner or Commissioners, or on any body or bodies, person or persons, the management and administration control or superintendence of any property, funds, revenue or dues to be applied in behalf of the Community, or for the management of Harbours or other public purposes within any of the said Burghs or Towns, the Magistrates and Council to be elected according to the provisions of this Act shall come in place and stead of, and have the same powers and rights as such Trustees, Managers, Commissioners, bodies or persons, as belong to the existing Magistrates and Councils, or to such Trustee or Trustees, Manager or Managers, Commissioner or Commissioners, body or bodies, person or persons, and the powers and rights of such existing Magistrates and Councils, or Trustees or others aforesaid shall thereupon cease and determine; and where any such trust or management is conferred on any particular members of the present Council or Magistracy, or Office-bearers of any such Burgh or Town, the Town Councils to be named and elected in terms of this Act shall, immediately after their own acceptance and induction into office, nominate and elect from their own body such number of persons to be such Trustees or Managers as are by such Acts, Charters or Deeds appointed to those offices under the said denominations; and the whole powers and functions now belonging to the said offices of Trustees or Managers shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used in the said Acts, Charters or Deeds, and such persons shall execute a declaration of trust, specifying the purposes for which and the conditions on which they hold such trusts, in conformity with the Charters or Deeds, or Bequest or Appointments by and under which such trust is created.

31. Election of Managers of Charities.

And be it Enacted, That the Magistrates and Councils of the said several Burghs or Towns to be elected in terms of this Act shall, immediately after their acceptance and induction into office, elect the Trustee or Trustees, Manager or Managers, of any charitable or other public institution, existing in or connected with such Burghs or Towns, the appointment of the Trustees or Managers of which is at present vested in the Magistrates and Council of such Burghs or Towns: And where by any deed of trust, bequest or mortification, any of the former Magistrates of any such Burgh or Town shall, *ex officio*, under the denomination of Baron Bailie or otherwise, have been appointed Trustee or Trustees, or Manager or Managers of any such charitable or other public institution along with other Trustees or Managers, the Magistrates and Council of such Burgh or Town shall at the same time and in the like manner elect from their own body an equal number of persons to be such Trustee or Trustees, Manager or Managers, in the stead of such former Magistrate or Magistrates: And the whole powers and functions now belonging to the said offices of Trustees or Managers, shall belong to and be as fully vested in the persons so elected as if they had possessed the denomination used in the said deeds, bequests or mortifications.

32. Existing Councils and Magistrates to go out on completion of next Election.

And be it Enacted, That upon the completion of the first election of Councillors, Magistrates and Office-bearers to be made in all the said Burghs or Towns under the provisions of this Act, and not sooner, the Provost, Magistrates, Office-bearers and other Councillors now in office, and the Trustees, Managers, Commissioners, bodies and persons aforesaid in such Burghs or Towns respectively shall go out; and their whole powers, duties and functions shall cease and determine, except only where any of the said persons shall have been again elected under the provisions of this Act; and there shall thereafter be no other Magistrates or Officers, or Trustees or others as aforesaid for such Burghs or Towns than those hereby specified and directed to be elected and chosen as aforesaid.

33. Election of Town Clerk.

And be it Enacted, That upon the completion of the first election of Magistrates and Council as hereinbefore directed, and annually thereafter, the Magistrates and Council of each such Burgh or Town respectively shall elect a Town Clerk for such Burgh or Town but for the period of *One* year only, without prejudice to his re-election, and also such other officers or servants as may be necessary for conducting the business or managing the affairs of such Burgh or Town, who shall be appointed during pleasure.

34. Quorum of Council.

And be it Enacted, That at all meetings of Council, the presence of *a majority* of the whole Council shall be necessary to form a Quorum, and all questions on which a vote of the Council falls to be taken shall (where not otherwise hereby specially provided) be determined by the majority of the Council present, and where there is an equality of votes, the casting vote shall belong to the senior Magistrate present, and in the absence of a Magistrate to the senior Councillor present, who shall be entitled to preside at such meetings of Council.

35. Councillors, &c., may resign.

And be it Enacted, That any person elected and accepting the office of Councillor, Magistrate, or other Office-bearer in any Town Council under the provisions of this Act, may resign his said office at any time, upon giving not less than *Three* Weeks' notice of such his intention by a written intimation to the Town Clerk or Chief Magistrate; and in the event of such resignation being intimated as to be made at the period of the annual retirement of Councillors on the said *Second* day of *November*, such additional number of Councillors shall then be elected as may be necessary to complete the Council: Provided always, That no fine or other penalty shall be exigible from any person either declining to accept after his election, or subsequently resigning his office.

36. Burghs having no legal Council.

And be it Enacted, That where any such Burgh or Town shall, in consequence of the decision of a Court of Law or other cause, be without any legal Council or Magistracy, all the functions directed by this Act to be performed by the existing Magistrates or Councils shall be performed by *One* or more of the Managers who may by any lawful appointment be authorized to administer the affairs of any such Burgh or Town, and in default of any such Managers by the Sheriff or Sheriff-Substitute of the County.

37. Town Clerk to give Notices.

And be it Enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh or Town of any meetings or proceedings to be held or had in the matter of the elections of or respecting such Burgh or Town, in relation to any of the proceedings under this Act in this present year shall be given by the respective Sheriff Clerks, and in future years shall, where not directed to be otherwise

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wise given, be given or made by the respective Town Clerks thereof: Provided always, That no Councillor, nor the Partner in business of any Councillor, shall be entitled to hold the office of Town Clerk in any such Burgh or Town, and that no Town Clerk or Depute Town Clerk shall be entitled to vote in the election of Councillors, or to interfere directly or indirectly in the election of Magistrates or Office-bearers for such Burgh or Town.

38.
Fees of Substitutes, &c., how to be paid.

And be it Enacted, That the several persons officiating at elections as Substitutes for the Sheriffs or Assessors for the Chief Magistrates in such Burghs or Towns, shall be entitled to receive a sum not exceeding *Three* Pounds and *Three* Shillings for each day they shall respectively be so employed, and the Poll Clerks the sum of *One* Pound and *One* Shilling each for the same period, which sum, together with all the other expenses attending such elections, or the making up of Registers, giving notices at the Church doors, and providing copies of the said Registers or parts thereof for the purposes of election, shall be defrayed from the common good or other means or revenues of such Burghs or Towns respectively.

39.
Vesting Property in Magistrates.

And be it Enacted, That the common good and property, heritable and movable, and means and revenues, and income of every description belonging to or leviable within any Burgh or Town included in this Act, or to which such Burgh or Town is entitled, or which are held or administered for or on behalf of the community of such Burgh or Town for the public ends and purposes thereof, (but subject to any liabilities to which the same are legally liable,) shall be and the same are hereby vested in the Magistrates and Council to be elected for such Burghs or Towns respectively under the provisions of this Act, with full power, right and authority to adjudge, sue for and recover the same for the benefit of such Burghs respectively.

40.
Vesting Trust Property in the Magistrates.

And be it Enacted, That all Mortifications, Endowments, Trusts or Bequests, or Trust Property, held and administered by the present Magistrates and Councils of any such Burgh or Town, or by any person or persons, body or bodies, holding or administering the same in any such Burgh or Town in which there were heretofore no Magistrates and Council, for the behoof of such Burgh or Town, or the community thereof, (but subject to any liabilities to which the same are legally liable,) shall be vested in and held and administered by the Magistrates and Council to be elected and chosen for such Burghs or Towns respectively under the provisions of this Act, to, for and upon the trusts and purposes, and subject to all the conditions and provisions under which the same were conveyed, granted or settled by the granters or makers of such Mortifications, Endowments, Trusts and Bequests, with full power, right and authority to adjudge, sue for, collect, levy and recover the same for the purposes thereof respectively, and for no other purposes.

41.
Assessment where Burghs have no Common Good or no sufficient Common Good for first Year.

And be it Enacted, That it shall be lawful in the first year after an Election under this Act for the Magistrates and Council of each such Burgh or Town which has no common good or means, or of which the Common Good or means are not sufficient to defray the expenses of the Municipal and Police Establishment of such Burgh or Town, to impose and levy an assessment for that particular year upon the rent of all such lands, houses and heritages within such Burgh or Town as may be occupied by tenants, and upon the annual value of all such premises as may be occupied by the proprietors thereof, not exceeding *Sixpence* in the pound of such rent, in order to defray such expense or such part thereof as the present means of such Burgh or Town is inadequate to defray; excepting always from such assessment all feu duties, and also all such lands and premises as may be occupied solely for agricultural purposes or for pasture, or as nurseries, or market gardens; and also all houses and tenements under the value of *Forty* Shillings of yearly rent, and all subjects occupied solely for the purpose of public worship, or of charity or science or education; and such assessment shall be payable by the tenant or occupant, and shall be payable at the term of Martinmas yearly: Provided always, That no such assessment shall be imposed or levied unless the same shall have been approved of by a majority of at least *Two-thirds* of the Magistrates and Council, at a meeting called for the special purpose.

42.
Notice and Act of Council before Assessment imposed in future years.

And be it Enacted, That it shall be lawful in all future years for the Magistrates and Council of each such Burgh or Town to impose and levy an assessment as aforesaid; provided that *Three* Months at least previous to the annual election of Council, preceding the time at which it is intended to impose such assessment, a majority of at least *Two-thirds* of the whole Magistrates and Council have passed an Act of Council setting forth in detail the state of the Burgh Revenues, and exhibiting the deficiency of the Burgh Revenue and other causes rendering such assessment necessary, the amount of the proposed assessment, and the purposes to which the same is intended to be applied, nor unless such Magistrates and Council shall have caused a written or printed copy of such Act of Council to be affixed within the Town Clerk's office, and upon the doors of the Council-chamber, Town-hall and Court-house or other place where the Council are in use to meet, and also upon the doors of the Parish Church or Churches within which the said Burgh or Town or any part thereof is situated, *Two* Months preceding the annual election of Councillors as aforesaid, nor unless such Act of Council shall after such publication thereof as aforesaid, be approved of and confirmed by a majority of at least *Two-thirds* of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration within *One* Month after the annual election of Councillors succeeding the publication of such notice, so that such assessment shall before being imposed be in all cases proposed by the Magistrates and Council of *One* year, and be approved of by the Magistrates and Council of another year.

43. Valuation of Lands and Heritages liable to Assessment.

And be it Enacted, That the Magistrates and Council of any such Burgh or Town in which such assessment shall be imposed shall previous to the imposition of such assessment, cause a valuation of the lands and heritages liable to assessment within such Burgh to be made up by some public officer of such Burgh or Town, or by a Surveyor to be appointed for the purpose, which Surveyor they are hereby authorized to appoint, showing the real rent of the several subjects on which such assessment is intended to be imposed, and the person so to be appointed to make the same shall be entitled to the inspection and use of the rolls or lists made up for the imposition and collection of the land tax or cess or assessed taxes, or for the imposition and collection of any other public or local tax or burthen, and such valuation being completed, the Magistrates and Council shall *Two* Months previous to the imposition of any such assessment, cause intimation to be made by a written or printed notice, affixed in the Town Clerk's Office, and on the doors of the Council Chamber, Town-hall and Court-house, or other place where the Council are in use to meet, and upon the doors of the Parish Church or Churches, within which the said Burgh or Town or any part thereof is situated, that such valuation and the amount of the Assessment proposed to be made on the several lands and heritages therein valued will be deposited on a day to be specified in the notice in the Town Clerk's Office, there to be open for *Four* Weeks, for the inspection, gratis, of all concerned, and such valuation and assessment shall be deposited and lie open accordingly; and such notice shall further set forth the time and place at which any party dissatisfied with such valuation and assessment may be heard upon an appeal therefrom, to be made in manner hereinafter mentioned, such time not exceeding *Seven* Days after the expiration of the *Four* Weeks during which the valuation is to lie for inspection.

44. Committee of Appeal.

And be it Enacted, That such Magistrates and Council shall appoint a Committee of *Three* of their number to determine any Appeal that may be made against such valuation; and it shall be lawful for any person dissatisfied with the valuation of his or her property and proposed assessment within the foresaid period of *Four* Weeks, but not thereafter, to lodge with the Town Clerk of the Burgh a note in writing, stating the grounds of Appeal; and whatever such Committee shall, after hearing such Appeal, determine, shall be final and conclusive, and not subject to review in any manner of way.

45. Valuation and Assessment to be delivered to Collector as Warrant.

And be it Enacted, That when such assessment or valuation shall be finally settled, a statement of the amount of the sums to be levied from the several persons liable for the same, signed by the Town Clerk, shall be delivered by the Magistrates and Council to the Chamberlain or Town Treasurer of such Burgh or other person, whom the Magistrates and Council shall employ to collect such assessment, as his warrant for collecting, and such person shall enter such state in a book to be kept by him, and shall also enter in such book a regular and distinct account of the sums received by him.

46.
Recovery of Assessment.

And be it Enacted, That where any person rated and assessed under this Act shall refuse or neglect to pay the assessment charged upon him for the space of *Ten* Days next after the same shall be due and demanded by the Collector, it shall be lawful for the said Collector to apply to any Magistrate of the Burgh for a warrant to any of the officers of the said Burgh to enter the premises, and to appraise and poind the goods and effects of the person assessed and refusing and neglecting as aforesaid, which warrant the said Magistrate is hereby authorized and required to grant upon a certificate signed by the Collector or person who made the demand, of such demand having been made, and of such person being in arrear to the amount to be stated in the certificate; and if such assessment shall not be paid within *Three* Days after such poinding, together with charges and expenses thereby incurred, then the said Collector is hereby authorized to sell by public roup, either on the premises where the said goods were poinded or any other place, such part of such goods or effects as shall be sufficient to pay such assessment, with the expenses attending such poinding and sale, returning the surplus, if any be, to the owner, and failing the recovery of all or any part of the assessment in arrear in manner before described, the Collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to law, and the Collector shall be bound to preserve the warrants of such poindings or sales, or enter in a book to be kept for that purpose the names of the parties proceeded against, the assessment due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for *Three* Months after the date of each sale respectively, and at any time within that period it shall be competent to any party considering himself aggrieved to complain to the said Magistrate of any thing done unjustly or oppressively in regard to such poinding or sale, such complaints being made in the form of Petitions subscribed by the Complainant, and the decision of the Magistrate shall be final, and not subject to review in any court by any form whatever.

47.
Application of Assessment.

And be it Enacted, That the assessment to be so imposed, levied and collected, shall be applied in defraying the expenses of the judicial and municipal establishments of such Burghs, the maintenance of an efficient police, the paving, lighting, cleansing and watching the streets of the Burgh, and supplying the same with water, or any such one or more of these or other similar purposes, which in the circumstances of the Burgh may be necessary, and which shall have been specified in the Act of Council to be passed and published as aforesaid.

48.
Magistrates may agree for purchase of Petty Customs, &c.

And be it Enacted, That upon a requisition to that effect, subscribed by a majority of Rate-payers liable to the assessment authorized to be imposed by this Act, but not otherwise, it shall be lawful for the Magistrates and Council of any such Burgh or Town in which there is any Petty Customs, Impost, Rate or Duty payable to the superior thereof, or to any other person or persons, to contract and agree with such superior or other person for the purchase of such Petty Customs, Imposts, Rates or Duties, (Feu Duties, and the feudal casualties payable to the superior excepted,) and to levy an assessment upon such Burgh or Town for the price agreed to be paid to such superior or other person as the price of such Customs or other Rates and Duties; and all such Petty Customs, Imposts, Rates or Duties so acquired by any Burgh or Town shall be forthwith abolished in all time coming.

49.
Value in certain cases to be fixed by a Jury.

And be it Enacted, That if the superior or other person entitled to such customs, imposts, rates or duties shall refuse to sell the same, or if such superior or other person and such Magistrates and Council desirous of acquiring the same shall be unable to agree regarding the value thereof, it shall be lawful for such Magistrates and Council to apply by petition to the Sheriff of the County in which the Burgh or Town wherein such customs, imposts, rates or duties are leviable is situated, requiring him to summon a Jury to ascertain the value of such customs, imposts, rates or duties, which petition the Sheriff shall cause to be intimated to the opposite party; and the Sheriff shall within *Fourteen* Days after such intimation is made, cause to be summoned in the usual manner in which Juries are summoned in Scotland, an Assize of at least *Twenty-one* impartial and disinterested persons on such day as he shall fix, which Assize being called on the day appointed, the names of the persons attending thereon shall be set forth in a List to be prepared by the Sheriff, and the number of persons contained therein shall be reduced to *Nine* by each of the said parties (beginning with the superior or other person aforesaid), striking off alternately one name from the said List until the number be reduced to *Nine*, who shall be sworn and shall constitute the Jury to try and determine the value of the customs, imposts, rates or duties sought to be acquired by such Burgh or Town.

50.
Proceedings in fixing value.

And be it Enacted, That the said petition to the Sheriff shall be laid before the Jury so to be appointed, and it shall be competent for both or either of the said parties to lay before such Jury all such lawful evidence as they shall think fit touching the value of such customs, imposts, rates or duties, and the Sheriff shall make a note of such part of such evidence as may not be in writing, and after deliberating thereon and hearing parties or their Procurators, if they shall desire to be heard, and after the case and evidence shall be summed up by the Sheriff, and upon due consideration of all the circumstances of the case, the said Jury shall by their verdict or determination fix the amount of the value in money of such customs, imposts, rates or duties in perpetuity, and upon payment of the value so ascertained to such superior or other person, but not sooner, such customs, imposts, rates and duties shall thereafter be abolished in all time coming; and the expenses attending the summoning of the Jury and proceedings and verdict shall in all cases be borne by the Magistrates and Council of the Burgh or Town party thereto.

51. How price to be secured when Customs held under entail.

And be it Enacted, That such proceedings may take place, and such customs, imposts, rates and duties be purchased in manner aforesaid, notwithstanding that the same or any part thereof be held by such superior or other person in the right of the same, under a deed or deeds of entail; provided that in such case the price to be paid for the same under such verdict as aforesaid shall be settled and secured in the like manner as is directed in the case of superiorities sold to the vassals of entailed estates, by an Act made in the twentieth year of the reign of his Majesty King George the Second, intituled, "An Act for taking away the Tenure of Ward Holding in Scotland, and for converting the same into Blench and Feu Holdings, and for regulating the Casualty of Non-entry in certain cases, and for taking away the Casualty of Single and Life-Rent Escheats incurred there by Horning and Denunciation in Civil Causes, and for giving to Heirs and Successors there a summary process against Superiors, and for discharging the Attendance of Vassals at Head Courts there, and for ascertaining the Service of Tenants there, and for allowing Heirs of Tailzie there to sell Lands to the Crown for erecting Buildings and making Settlements in the Highlands."

20 Geo. 2. c. 50.

52. Magistrates to have joint and several Jurisdiction in all matters of Police.

And be it Enacted, That the Magistrates to be elected under the provisions of this Act shall jointly and severally within such of the said Burghs and Towns as have adopted the provisions of this Act, have power to try summarily all petty crimes and offences committed therein, and that in such and the like manner in which Sheriffs are authorized to try the like offences, by an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled, "An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials in Scotland," and to punish such crimes and offences by a fine not exceeding *Five* Pounds, and by imprisonment not exceeding

9 Geo. 4. c. 29.

exceeding *Thirty* Days, and by ordaining the offender to find caution to keep the peace for a period not exceeding *Six* Months, or by awarding any one of these punishments, and shall further have jurisdiction to grant Warrants for apprehending all persons within the foresaid respective Burghs and Towns accused of crimes or offences wherever perpetrated, and for committing such persons for examination or further examination, or till liberated in due course of law, or for transmitting them to the other authorities, and shall further be entitled to take precognitions if deemed necessary relative to all such other crimes or offences.

53.
Certain Crimes not to be punished under this Act.

And be it Enacted, That nothing herein contained shall be held to confer on the said Magistrates the power to punish any of the crimes denominated the Pleas of the Crown, viz. Murder, Robbery, Rape and wilful Fire-raising, or the crimes of Southrief, or of Theft by Housebreaking, or of Housebreaking with intent to steal, or of simple Theft to an amount exceeding *Ten* Pounds sterling, or of Theft by opening lockfast places, or of Theft aggravated by being by habit and repute a common Thief, or by having been three times previously convicted of Theft, or of reset of Theft to an amount exceeding *Ten* Pounds sterling, or of reset of Theft aggravated by having been three times previously convicted of that crime, or of Falsehood, Fraud and wilful Imposition aggravated by having been three times previously convicted of any offence of that nature, or of Assault whereby any limb has been fractured, or of Assault with any knife or other lethal instrument whereby effusion of blood has followed, or of Assault aggravated by three previous convictions for that crime, or of Assault with intent to ravish, or of attempt at wilful Fire-raising, or of uttering forged Bank or Bankers' Notes; but if it shall appear, either in the preliminary investigation of the charge against the persons accused, or during their trial, they are guilty of or charged with any of the said crimes, the said Magistrates before whom the said persons are tried or accused shall and they are hereby authorized and required to transmit the said persons to the Gaols of the County within which the said Burghs or Towns are respectively situated, and forthwith to give notice of such transmission to the Procurator Fiscal of the said County, who shall immediately apply to the Sheriff for a Warrant to deal with the persons so transmitted according to law; until the obtaining of which Warrant the Keepers of such Gaols are hereby authorized and required to receive and detain the persons transmitted as aforesaid on the Warrant of the said Magistrates, any law or practice to the contrary notwithstanding.

54.
In cases of Theft, Reset of Theft or Fraud, Complaint and Conviction to

And be it Enacted, That in all cases of Theft or of reset of Theft, or wilful Fraud and Imposition which shall be tried before the said Magistrates, the complaint and the conviction following thereon shall bear that bear value not above Ten Pounds.

the sum of money or the value of the article or articles stolen, resetted or obtained by falsehood, fraud and wilful imposition did not exceed *Ten* Pounds; and unless an offer shall be made at the trial to prove that the article or articles stolen, resetted or obtained as aforesaid exceeded in value the sum of *Ten* Pounds, it shall not be competent thereafter for the person accused to offer any such proof.

55.
Provision for paving, lighting, &c. of Burghs.
3 & 4 Will. 4. c. 46.

And be it Enacted, That it shall be lawful for the Magistrates and Council of such Burgh and Town, to put in force and observance the provisions of an Act passed in the third and fourth year of the reign of His present Majesty, intituled, "An Act to enable Burghs in Scotland to establish a general System of Police," or such and so many of such provisions as they may consider necessary and expedient, and that in so far as regards the paving, lighting, watching, cleaning, supplying with water and regulating the Police of such Burghs, and to that effect the said Magistrates and Council are hereby invested with all the powers of the Commissioners authorized to be named and appointed under the said recited Act: Provided always, That the said powers shall only be exercised by the said Magistrates and Council in so far as consistent with this Act, and in particular that it shall not be lawful to nor competent for the said Magistrates and Council to impose any additional assessment for all or any of the purposes of the said recited Act beyond the aforesaid sum of *Sixpence* in the pound on the rent of premises within such Burgh or Town hereinbefore authorized to be imposed and levied: Provided nevertheless, That if such assessment shall be inadequate to defray the expense of such of the provisions of the said last recited Act as it may be desirable to put in force and observance in such Burgh or Town as aforesaid, it shall be competent for a majority of the rate-payers within the same, liable to such assessment, to apply by written requisition to the Magistrates and Council, calling upon them to put in force such further provisions of the said Act, and to impose such an additional assessment within such Burgh or Town as shall be adequate to defray the expenses arising therefrom, and such Magistrates and Council shall in such case put in force such provisions, and impose and levy such assessment accordingly, in such and the like manner as such assessment of *Sixpence* in the pound is hereinbefore authorized to be imposed and levied, provided that such additional assessment shall in no case exceed *Sixpence* in the pound.

56.
Councils to appoint Fiscal, at whose instance all Prosecutions shall be conducted, and by whom Fines and Penalties

And be it Enacted, That it shall be lawful to the said respective Councils, and they are hereby required to appoint a fit person to be Procurator Fiscal for the purposes of this Act within the foresaid Boundaries of the said Burghs and Towns respectively, at whose instance all prosecutions and proceedings before the said Magistrates shall be recovered shall be paid to Treasurer.

be conducted, and by whom all fines and penalties authorized by this Act shall (where not otherwise expressly provided) be recoverable summarily before the said Magistrates, who are hereby respectively empowered to decern for the same, and the said Fiscal shall have power to accept of bail from persons apprehended within the Burgh or Town accused of bailable offences, and to liberate them on such bail being granted, which bail, where not otherwise required by law, shall be to an amount not exceeding *Ten* Pounds, without prejudice always to an application to be admitted to bail being made to a Magistrate in the usual form by the person accused, if the consent of the said Fiscal to accept of bail be either not asked or be refused : Provided always, That all fines and penalties recovered by the said Fiscal shall be paid over by him (under the deduction of the necessary expenses attending the respective prosecutions and recovery of the said fines and penalties) to the Treasurer of the Burgh or Town, to be held and applied by him as part of the common funds and property thereof.

57. Treasurer to keep regular Books which are to be examined and docqueted half-yearly.

And be it Enacted, That the Treasurer of each of the said Burghs or Towns shall keep a regular Cash Book and Ledger relative to the affairs of such Burgh or Town, which Cash Book shall be examined half-yearly, at the terms of Candlemas and Lammas, by a Committee of the Council to be appointed for that purpose, and shall be docqueted by such Committee and by the Treasurer; and the said Ledger shall be examined and docqueted in like manner at the term of Lammas yearly; and the said Cash Book and Ledger, when so docqueted, shall be held to form part of the records of the said Burgh or Town.

58. Treasurer to make up State of his Intromissions annually.

And be it Enacted, That the said Treasurer shall, within *One* Month after the term of Lammas, annually, make up a distinct account, ending as at that term, of his intromissions for the past year, which account shall be arranged in the form of charge and discharge, and each part thereof divided under proper heads, and shall, on or before the *Fifteenth* day of *September*, annually, be examined and docqueted by a Committee of the Council, to be appointed for that purpose.

59. Town Clerk annually to prepare State of whole Property and Debts, &c., to be published.

And be it Enacted, That after the Treasurer's Accounts and Books have been made up and docqueted as aforesaid, the said Town Clerk shall, on or before the *First* day of *October*, annually, prepare a complete and distinct State, showing, first, the whole common good and other property of the Burgh or Town, classed under different heads; secondly, the different debts due to and by the Burgh or Town, distinguishing the nature of such debts as heritable or moveable, and specifying the securities held for the same, and the cautionary obligations (if any) granted relative thereto; thirdly, the amount of each branch of the annual revenue, distinguishing how much has been received, and how much is in arrear, and the year for which such arrears are outstanding, and showing also what abatements, if any, have been given; fourthly, the amount of all sums received during the year, from whatever sources, distinguishing whether such sums have been received as loans, prices or otherwise; fifthly, all sums paid, and all sums due and unpaid, during the year, distinguishing the fixed or ordinary from the casual or incidental expenditure; and the said State shall be examined by a Committee of the Council, to be appointed for that purpose, and docqueted by such Committee and by the Town Clerk; and an abstract of the said State shall be immediately prepared by the Town Clerk, and after being approved of by a Minute of Council, a copy thereof shall, on or before the *Tenth* day of *October*, annually, be affixed to the door of the Town House, if there be such, and upon the doors of the Parish Church or Churches within which each Burgh or Town, or any part thereof, is situated; and if the revenue of such Burgh or Town exceed *One hundred* Pounds annually, the said abstract shall, besides being so published, be printed on or before the said *Tenth* day of *October*, annually, and a copy thereof delivered gratis at the Town Clerk's Office to any qualified Elector who shall demand the same: Provided always, That the said whole Books, States, Accounts and Abstract, with the whole vouchers thereof, shall lie in the Town Clerk's Office from and after the said *Tenth* day of *October*, annually, for the space of *Three* calendar Months, open to the inspection of all persons liable to be assessed under this Act, without the payment of any fee; and such Books, Accounts and Vouchers shall, at all other times, be exhibited to any such person demanding the same, on payment of a fee not exceeding *Two Shillings and Sixpence* per Hour, payable to the person having the lawful custody of such Books, Accounts and Vouchers for the time.

60.
Valuation of Burgh Property.

And be it Enacted, That within *Twelve* Months after the *passing of this Act*, and *Once* in every *Seven* Years thereafter, the Magistrates and Council of every such Burgh or Town shall cause the whole of the lands, heritages and moveable property of every description thereto belonging to be valued by skilful persons, whose estimation thereof shall be formed upon the worth of such property at the time and according to the price which it would then bring in the market if sold, and without reference to any prospective or contingent value not influencing such property at the time, and the Valuators employed shall make up a state of the value of all such properties under distinct and appropriate heads, and such state shall be entered in the Council Books of the Burgh or Town by the Town Clerks thereof within *One* Month after such valuation shall have been made, and if the Magistrates and Councillors in office when such valuation is required to be made shall fail to cause the same to be made they shall each be individually liable in a penalty of not less than *Fifty* Pounds, and if any Town Clerk of any Burgh or Town shall fail to enter the same in the Council

Books within the time hereinbefore prescribed he shall be liable in a penalty of *Fifty* Pounds.

61.
Regulating Alienation and Borrowing.

And be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh or Town to sell or alienate all or any part of the lands or heritages belonging to the same by sale or excambion, or to borrow any money upon the credit of the heritable property of the Burgh or Town, unless previous to such Alienation or Borrowing, the same shall have been agreed to by *Two-third* parts of the whole Magistrates and Council thereof, by an Act of Council passed at a meeting of such Magistrates and Council, such meeting having been called by notice, specifying the lands or heritages proposed to be alienated, and the amount of the money proposed to be borrowed, and the reasons which render such Alienation or Borrowing necessary or expedient; and such notice printed or legibly written shall also be affixed in the Town Clerk's Office, and on the doors of the Council Chamber, Town Hall, or Court House or other place where the Council are in use to meet, and upon the doors of the parish Church or Churches within which the said Burgh or Town or any part thereof is situated for *One* Month at least previous to such meeting; and such Act of Council shall in like manner be affixed in the Town Clerk's Office, and other places before specified: Provided that no sale shall be completed until *Fourteen* Days after public intimation has been given in the manner prescribed as to the aforesaid notice of the price proposed to be paid by the purchaser and to be accepted by such Magistrates and Council: Provided always, That all such Alienations and Loans shall be null and void unless such notice and publication shall have been so given and made.

62.
Lands not to be feued, or building leases granted for a Price or Grassum.

Provided always, and be it Enacted, That nothing herein contained shall prevent the Magistrates and Council of any Burgh or Town from feuing or granting building leases of the lands or heritages belonging to such Burgh or Town:-Provided also, That no lands shall be feued and no building leases granted for a price in a gross sum, or for a fine or grassum but the consideration to be taken, shall be in the shape of an annual feu duty or ground rent, and no leases of any heritable property, except building leases, shall be let for a longer period than *Twenty-one* Years; nor shall any lease of any of the revenues, customs or imposts of any Burgh or Town be granted for a longer period than *Three* Years, and no such leases either of heritable property, or of revenues, customs or imposts shall be granted, unless upon the authority of a previous act of council, a copy of which shall be affixed in the Town Clerk's Office, and upon the doors of the Council Chamber, Town Hall or Court House, or other place where the Council are in use to meet, and upon the doors of the parish Church or Churches within which the said Burgh or Town or any part thereof is situated, for *One* Month at least previous to granting such feus or leases; and which act of Council shall contain a description of the lands or heritages proposed to be feued or let, and the conditions upon which such feu or lease is to be granted; and any feu or lease granted otherwise than in terms of these provisions shall be null and void.

63.
Exclusive privileges abolished.

AND whereas in certain of the said Burghs or Towns various exclusive privileges have been conferred by charter or otherwise, whereby persons not being burgesses, heritors or feuars are prevented and excluded from dealing in trade and merchandize, or exercising trades, crafts or callings within such Burghs or Towns for gain, sale, hire or payment; BE it Enacted, That after the *passing of this Act* it shall be lawful for any person to practise or deal in any lawful trade or merchandize, and to exercise and carry on any lawful calling, trade or occupation for sale, gain, hire or payment or otherwise, within any such Burgh or Town, any law, statute, charter, usage or other right or authority to the contrary notwithstanding; Provided that nothing herein contained shall be deemed or taken to affect any right of property or community, or servitude enjoyed by burgesses, heritors or feuars, within any of the said Burghs or Towns, or any immunity during the lives of existing burgesses, heritors or feuars in the payment of harbour rates or other duties, which such burgesses, heritors or feuars possessed or enjoyed before the *passing of this Act.*

64.
Penalty for wilful Malversation.

And be it Enacted, That if any Sheriff or Sheriff's Clerk, Magistrate, Councillor, Town Clerk, or other person shall wilfully contravene or disobey the provisions of this Act, he shall be liable to be sued for such offence in the Court of Session by any person aggrieved, for the penal sum of *Fifty* Pounds, which sum, or any smaller sum which may be assessed by the Jury in any such action, the Defender upon conviction shall pay with full costs of suit: Provided always, That every such action shall be raised within *Four* calendar Months after the cause of action shall have arisen, and that notice in writing shall be given to the Defender at least *One* calendar Month before raising the same: Provided also, That any such Defender against whom judgment shall have been once recovered in such action, shall be entitled to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing; and such other action being thereupon dismissed, such Defender shall recover his full costs of suit.

65.
Three registered Electors may prosecute for Penalties, &c. &c.

And be it Enacted, That it shall be lawful for any *Three* registered Electors to complain by summary petition, either to the Court of Session or the Sheriff of the County, against any person for breach of any of the regulations imposed by virtue of this Act, or for the enforcement of the performance of the duties or observances, or the payment of any of the penalties hereby prescribed or imposed, or to apply summarily to such Court or Sheriff as aforesaid for interdict against any wrong done or contemplated against such Burgh or Town, or community, or the property thereof; and in case no such complaint shall be made by the Electors as aforesaid, it shall be competent for the Lord Advocate of Scotland for the time being, when he shall consider it expedient for the public interest, to sue by summary application for the redress or punishment of any abuse or malversation or mismanagement which he may conceive to have taken place, and that either in the Court of Session, in his own name or through the Procurator Fiscal in the Sheriff Court; provided that every such complaint or application shall be lodged within *Three* Months of the date of the cause of complaint, and that within *Fourteen* Days thereafter the private parties so complaining shall have found caution to such amount as such Court or Sheriff may require for the payment of the costs to which such parties may eventually be subjected.

66.
Costs to be awarded in favour of the successful Party in Suits for Penalties.

And be it Enacted, That in all prosecutions for penalties such Court or Sheriff shall award costs to the party in whose favour the decision of such Court or Sheriff shall be pronounced, and no part of any penalty, or the cost attending the prosecution for the same decerned for against the Magistrates and Council or the Office-bearers of any Burgh or Town shall be paid from or charged against the funds thereof; and in all such other suits or complaints such Court or Sheriff shall have full power to decide regarding costs.

67.
Registered Electors may sist themselves in Suits or Complaints.

And be it Enacted, That it shall be competent and lawful for any registered Elector to sist himself as Complainer or Pursuer in any suit or complaint, in concurrence with the original Pursuers or Complainers, or if they shall have withdrawn or become incompetent to prosecute such suit or complaint, or shall have ceased to be parties, then any other Electors, not fewer in number than *Three*, shall be entitled to prosecute such suit or complaint as Pursuers or Complainers, such new parties finding caution as aforesaid for the payment of such subsequent costs as may eventually be awarded against them.

68.
Application of Penalties.

And be it Enacted, That the penalties to be levied under this Act shall be applied towards the defraying the municipal and other expenses of the Burgh in which the same shall be so levied.

69.
Irregularity in the election of Councillors to affect themselves only.

And be it Enacted, That no irregularity or nullity in the election of any Councillors or Magistrates shall in any case after the *passing of this Act* annul or affect the election of other Councillors or Magistrates not liable to the same grounds of objection, but those particular elections only in which such irregularity or nullity shall have occurred.

70. Meaning of certain Words in this Acts.

And be it Enacted, That the word "Sheriff" shall be held to include the word "Stewart;" and the words "Sheriff's Substitute" shall be held to include the words "Stewart Substitute;" and that the words "Shire" or "County" shall be held to include the word "Stewartry;" and the words "Sheriff's Clerk" shall be held to include the words "Stewart Clerk;" and "Sheriff Clerk Depute" and "Stewart Clerk Depute" and the words "Town Clerk" shall be held to include the words "Town Clerk Depute;" and that no misnomer or inaccurate description of any person or place, in any writing made in the form of any Schedule to this Act annexed, or in any description list, register or notice, or other writing, made under the authority of this Act, shall in any way prevent or abridge the operation of this Act; provided that such person or place shall be so designated in such writing, description, list, register or notice as to be commonly understood: Provided also, That no appeal shall be competent to any Sheriff or Stewart from any thing which may be done by their Substitutes in the execution of this Act.

Misnomers not to vitiate Proceedings.

71. Acts inconsistent with this Act repealed.

And be it Enacted, That all laws, statutes and usages now in force in relation to any of the aforesaid Burghs or Towns, in so far as inconsistent or at variance with the provisions of this Act, shall be and the same are hereby repealed: Provided always, That the same shall in all other respects be of full force and effect.

72. Act may be altered.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts to be passed in the present Session of Parliament.

SCHEDULE

SCHEDULES

Referred to in the foregoing ACT.

SCHEDULE (A.)

First Class.

Alloa	*Three* Bailies (one of whom shall be elected Senior or Chief Magistrate), a Treasurer, and *Eleven* Councillors.
Crieff	
Dalkeith	
Girvan	
Hawick	
Johnston	
Kelso	
Kirkintilloch	
Kirriemuir	
Strathaven	

SCHEDULE (B.)

Second Class.

Auchterarder	*Two* Bailies (one of whom shall be elected Senior or Chief Magistrate), a Treasurer, and *Eight* Councillors.
* Bathgate	
Beith	
Borrowstounness	
Coldstream	
Cumnock	
Dunse	
Fraserburgh	
Galashiels	
Galston	
Grangemouth	
Huntly	
Keith	
Kilsyth	
Kincardine	
Largs	
Lerwick	
* Macduff	
* Maxwelton	
Maybole	
Newmilns (Ayrshire)	
* Pollockshaws	
Stewarton	
Stonehaven	
Stornoway	
Stromness	
Thurso	

Note.—The Burghs or Towns marked thus *, to have a Provost.

SCHEDULE (C.)

THIRD CLASS.

Aberfeldie
Abernethy
Alyth
Ardrossan
Balfron
Blairgowrie
Buckhaven
Buckie
Callander
Carluke
Carnwath
* Castle Douglas
Catrine
Ceres
Clackmannan
Comrie
Coupar-Angus
Dalry
Darvel
Douglas
Doune
Dunblane
Dunkeld
Dunoon
Eyemouth
Ferry-Port-on-Craig
Fochabers
* Gatehouse of Fleet
Girvan
Kilbarchan
Kilmaurs
Kilwinning
Kinross
Langholm
Laurencekirk
Lennoxtown of Campsie
Leslie
Letham
Leven
Lochwinnoch
Lockerbie
Markinch

Two Bailies, (one of whom shall be elected Senior or Chief Magistrate,) a Treasurer, and *Six* Councillors.

Note.—The Burghs or Towns marked thus *, to have a Provost.

Mauchlin

Schedule (C.) Third Class—continued.

Mauchlin
Melrose
Minnyhive
Moffat
Newton-Stewart
Old-Meldrum
Port-Patrick
Portsoy
Rosehearty
Strathmiglo
Tarbolton
Thornhill
Tobermory
Tranent
Troon
Turriff
Wishaw

SCHEDULE (D.)

Part First.

Burgh or Town of

I, A. B. [insert designation] hereby claim to be enrolled as a Voter for the Town Councillors of the said Burgh or Town as proprietor, or tenant or occupant of the house, shop, &c., situated in [here insert the situation of the premises described by the street, or other locality,] and [in cases where the claimant chooses to make such production] in support of my claim I produce herewith a [disposition, seisin, lease, &c., dated, &c., [as the case may be.]

[Dated] (signed) A. B.

Part Second.

Number lodged with me, C. D., Sheriff Clerk [or Town Clerk, [as the case may be] of this day together with the disposition, seisin, lease, &c., above written [in cases where any such documents are lodged.]

(signed) C. D.

SCHEDULE (E.)

Burgh or Town of

I, A. B. [or, we, C. D., E. F., &c.] object to the claim of A. B. to be admitted [or to continue on the roll] as a Voter for Councillors in the Burgh or Town of , on the following ground [here may be stated shortly the grounds, as that property or occupancy not of sufficient value, that the party is not or has ceased to be a proprietor, or tenant and occupant, or is personally disqualified, as being a minor, a fatuous person, &c.]; and I crave to be heard on the said objection or objections before the Sheriff or Substitute, or Chief Magistrate or Assessor [as the case may be].

[Date] (signed) A. B.

Lodged the day of

G. H., Sheriff Clerk,
or
I. K., Town Clerk, [as the case may be.]

SCHEDULE (F.)

[Place and Date.]

To the Sheriff of the County of

We, a majority in number of the registered Electors of the Burgh or Town of do hereby desire you to declare that the said Burgh or Town has adopted the provisions of an Act passed in the year of the reign of His Majesty King William the Fourth, intituled, "An Act [insert the title of this Act], and to take the necessary steps required by the said Act for placing the said Burgh or Town under and subject to the same.

(signed)
[By a majority of the qualified Electors.]

SCHEDULE (G.)

I, A. B., do solemnly swear [or, affirm], that I am the individual described in the List or Roll of Electors for the Burgh or Town of as A. B. of [here insert description in the same words as contained in the Roll], that I am still the Proprietor [or, Occupant, or, Tenant], of the Property for which I am so enrolled, and hold the same for my own benefit, and not in trust for or at the pleasure of any other person, and that I have not already voted at this election.

SCHEDULE (H.)

I, A. B., do solemnly swear [or, affirm], that I have not received or had by myself, or any person for my use or benefit, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office or gift, in order to give my vote at this election.

Burghs of Barony (No. 2).
(Scotland).

A

B I L L

To provide for the Appointment and Election of Magistrates and Councillors in certain Burghs of Regality and Barony and unincorporated Towns in Scotland.

(Prepared and brought in by
Sir Andrew Leith Hay, Mr. Robert Steuart,
The Lord Advocate, and Sir Henry Parnell.)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1836.

487.]

21 *July* 1836.—7 Will. IV.

A

BILL,

INTITULED,

AN ACT for the Prevention and Punishment of Offences committed by His Majesty's Subjects within certain Territories adjacent to the Colony of the *Cape of Good Hope.*

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

Preamble.

1 WHEREAS the Inhabitants of the Territories adjacent to the Colony of the *Cape of Good Hope* to the southward of the twenty-fifth degree of South Latitude being in an uncivilized state, offences against the persons and property of such inhabitants and others are frequently committed by His Majesty's Subjects within such Territories with impunity;

FOR Remedy thereof,

1. Penal Laws of British Colonies extended to British Subjects in adjacent Territories.

BE it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the laws which are now or which shall hereafter be in force in the Colony of the *Cape of Good Hope* for the punishment of crimes therein committed shall be and the same are hereby extended and declared applicable to all His Majesty's subjects
2 within any territory adjacent to the said Colony and being to the southward of the twenty-fifth degree of south latitude, and that every crime or offence committed by any of His Majesty's subjects within any such territory in contravention of any such laws shall be cognizable in any such Courts, and shall be inquired of, tried and prosecuted, and on conviction punished in such and the same manner as if the same had been committed within the said Colony.

2.
Governors may address Commissions to Magistrates to reside in Territories of uncivilized States.

AND whereas it is necessary to prevent as far as may be the commission of crimes by His Majesty's subjects within such territories as aforesaid, and to provide for the arrest, commitment and bringing to punishment of any of His Majesty's subjects by whom any such crimes may be perpetrated; BE it therefore Enacted, That it shall be lawful for the Governor of the said Colony to address to any One or more of His Majesty's subjects being within or about to resort to any such territories as aforesaid One or more Commission or Commissions, authorizing him or them to exercise within such territories the office of a Magistrate for the purpose of preventing the perpetration therein by any of His Majesty's subjects of any crimes or offences, and for the purpose of arresting, committing to custody and bringing to trial before such Courts as aforesaid any of His Majesty's subjects charged on sufficient evidence before him or them with the commission of any 3
such crimes or offences within any such territories; and it shall also be lawful to the Governor of the said Colony by any such Commission or Commissions as aforesaid, to define with all practicable and convenient precision the local limits within which the jurisdiction of any such Magistrate or Magistrates shall be so exercised and to which it shall so extend; and within the limits so to be defined as aforesaid every such Magistrate shall have, exercise and enjoy all such powers and authorities over and in reference to His Majesty's subjects inhabiting or being within the same as shall by any such Commission or Commissions be specially granted: Provided always, That no such powers or authorities shall be so granted by any such Commission or Commissions, save only such as shall be necessary for accomplishing the purposes aforesaid with promptitude and effect.

Powers of such Magistrates.

3.
Commissions to be in force only during The King's pleasure.

And be it further Enacted, That all such Commissions as aforesaid shall be made to continue in force only during His Majesty's pleasure; and the Governor for the time being of the said Colony shall be and he is hereby bound and required to transmit a copy of every 4
such Commission by the earliest opportunity to His Majesty, through one of His Majesty's Principal Secretaries of State, for His approbation or disallowance.

4.
Act not to extend constructively to His Majesty's Dominions.

And be it further Enacted, That nothing herein or in any such Commission or Commissions contained shall extend or be construed to extend to invest His Majesty, His heirs or successors with any claim or title whatsoever to dominion or sovereignty over any such territories as aforesaid, or to derogate from the rights of the tribes or people inhabiting such territories, or of Chiefs or Rulers to such sovereignty or dominion.

5.
Person administering Government to be deemed the Governor.

And be it further Enacted and Declared, That for the purposes of this Act any person lawfully administering the Government of the said Colony shall be deemed and taken to be the Governor thereof.

Cape of Good Hope Offences.

A

BILL,

INTITULED,

AN ACT for the Prevention and Punishment of Offences committed by His Majesty's Subjects within certain Territories adjacent to the Colony of the *Cape of Good Hope.*

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1836.

471.

23 *February* 1836.—6 WILL. IV.

A

B I L L,

INTITULED,

AN ACT to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

Preamble: 5 & 6 W. 4. c. 81.

WHEREAS by an Act passed in the last Session of Parliament, intituled, "An Act for abolishing Capital Punishments in cases of Letter Stealing and Sacrilege," the punishment of Death was taken away in cases of Letter Stealing and Sacrilege: BUT by reason of a clerical error in copying the same, a doubt may be entertained whether Persons guilty of such offences are now by law liable to any Punishment; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the same Act shall be read as if instead of the words "in the same Act so specified" the words "in the said Act specified" had been inserted in the said Act of the last Session; and that all Persons who may hereafter be duly convicted of any of the offences mentioned in the said Act of the last Session shall and may be sentenced, by the Court or Judge by or before whom such Offenders may be tried, to Transportation for Life, or for any term of Years not less than Seven, or to be imprisoned for any term not exceeding Three Years, with or without Hard Labour, and for any period of Solitary Confinement during such Imprisonment, at the discretion of such Court or Judge.

How recited Act shall be read.

Persons convicted of Offences under the same to be punished at discretion of the Judge.

Capital Punishments.

A

BILL,

INTITULED,

AN ACT to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

Ordered, by The House of Commons, *to be Printed*,
23 *February* 1836.

47.

15 *March* 1836.—6 WILL. IV.

A

B I L L

For regulating the Process of Cessio Bonorum in the Court of Session; and for extending the Jurisdiction of Sheriffs in Scotland to such cases.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it is expedient to regulate the process of Cessio Bonorum in the Court of Session in Scotland, and to extend the Jurisdiction of the Sheriff to such Processes; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT after the *First* day of *October*, *One thousand eight hundred and Thirty-six*, every Sheriff within Scotland shall possess Jurisdiction in Processes of Cessio Bonorum brought before him in manner hereinafter provided, as fully as in any other action presently by law competent before him; and the Sheriff Clerk, and all Sheriff Officers in the several Sheriffdoms in Scotland, shall have power to act in their respective offices in relation to such Processes.

1.
Sheriffs to have Jurisdiction as to Cessio Bonorum, and Sheriff Clerks and Officers to act therein.

And be it Enacted, That if a Debtor shall, on or after the said *First* day of *October*, be charged to pay a civil debt, and a Warrant to imprison him has been issued, or if he be liable to imprisonment, under a decree of a Small Debt Court, or be in prison, or imprisoned and afterwards liberated, in respect in these several cases, of a civil debt, it shall be competent to such Debtor to apply for interim protection, and for decree of Cessio Bonorum, in the manner hereinafter provided; and the same rule shall apply where a Debtor shall have been in any of the above positions before the said *First* day of *October*.

2.
Competent for a Debtor against whom a Warrant to imprison is issued, or who is in Prison, or who has been in Prison in respect of a Civil Debt to apply for decree of Cessio.

3.
Competent to present to the Court of Session or Sheriff a Petition praying for decree of Cessio.

And be it Enacted, That after the said *First* day of *October* such Debtor may present to the Sheriff of the County in which he has his ordinary domicile, a Petition, setting forth that he has been charged, and that a Warrant to imprison has been issued against him, or that he is liable to imprisonment under a small debt Decree, or that he is in prison, or has been imprisoned and afterwards liberated, in respect of a civil debt; that he is unable to pay his debts, and is ready to surrender his estates for behoof of his Creditors; and praying for interim protection against the execution of diligence, and for Decree of Cessio Bonorum; in which Petition he shall insert a list of all his Creditors, specifying their names and designations, and places of residence, so far as known to him; and with such Petition he shall produce (as the case may be) the Schedule of an expired Charge, or a copy, certified by the Clerk of the Small Debt Court of the warrant on which he is liable to imprisonment, or if he be in prison, or imprisoned and thereafter liberated, a certificate from the keeper of the prison of such imprisonment, and the date thereof, and of the liberation.

4.
Sheriff to grant a warrant to publish Notices, send Letters to or cite Creditors, to lodge Books, &c.: Debtor to be examined.

And be it Enacted, That on such Petition being presented, the Sheriff shall issue a Warrant appointing the Debtor to publish a Notice in the Edinburgh Gazette, intimating that such Petition has been presented, and requiring all his Creditors to appear in Court on a certain day, being not less than *Thirty* days from the date of the Gazette Notice, and also to publish such Notice in such newspaper or newspapers as the Sheriff shall direct; and to send letters to all the Creditors specified in the Petition, containing a copy of the said Notice, (paying the postage thereof) or in his option to cite them in terms of Law, and which the Debtor shall do accordingly; and the Sheriff shall farther ordain him to appear on the day so appointed for the compearance of the Creditors, in presence of the Sheriff, or his Substitute, for public examination; and the Debtor shall on or before the *Sixth* lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers and documents relating to his affairs, in the hands of the Sheriff Clerk, together with a copy of the said Gazette, and of the newspaper or newspapers as aforesaid; and if the letters have been sent through the Post Office, a certificate subscribed by his Agent, or by a Messenger or Sheriff Officer, and a Witness, stating the date and the place where the letters were put into the Post Office; that the postage was paid, and that they were severally addressed as specified in the Petition, or an execution subscribed by a Messenger or Sheriff Officer, and one Witness, of citation of the Creditors to whom such letters have not been so sent.

And

5. Debtor to undergo examination before Sheriff.

And be it Enacted, That on the said day appointed for the Compearance of the Creditors, the Debtor shall appear in public Court in presence of the Sheriff for examination as to his affairs, and the Sheriff shall have power to put him on oath or affirmation (as the case may be), and the Debtor shall be bound to answer all pertinent questions put to him by the Sheriff, or by any Creditor with the approbation of the Sheriff, under certification, that if, without lawful cause he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of Cessio shall be refused in hoc statu; and it shall be competent to the Sheriff to adjourn the examination for such time as to him shall appear fit and reasonable.

6. Sheriff, after examination, to decide in cases originating before him.

And be it Enacted, That the Sheriff shall, on such examination being taken, hear parties thereon vivâ voce, and he may either grant decree or refuse the same in hoc statu, or grant it, subject to a declaration that it shall not be extractable or available as a protection to the Debtor, for such time as shall appear proper, or make such other orders as may be necessary for the due administration of justice: Provided always, That where the Sheriff shall grant Decree under such limitation, or refuse Decree in hoc statu, he shall state the grounds of his decision, and the most summary dispatch, consistent with the forms of Court, shall be given.

7. Reclaiming Petition.

And be it Enacted, That if such Decree be pronounced by the Sheriff Substitute, it shall be competent to any Person aggrieved to present a reclaiming Petition against the same, provided that the Petition be lodged within *Six* days from the date of the Judgment, and the Sheriff Substitute shall do therewith as shall be just; and in case the Complainer shall intimate his desire in the Petition that if the Sheriff Substitute be disposed to refuse the Petition, it may be laid before the Sheriff, it shall be transmitted to the Sheriff, who shall do therein as shall be just.

8. Review of Sheriffs' Judgments by Court of Session.

And be it Enacted, That it shall be lawful, either after such reclaiming Petition has been disposed of, or without presenting such Petition, for any Person aggrieved, to bring the Judgments under the review of the Court of Session, by lodging with any one of the clerks of that division of the court under whose review he wishes to bring the cause, a reclaiming Note having such division marked thereon, reciting the Judgment or Judgments complained of: Provided always, That the said Note shall be lodged within *Ten* days from the date of the Judgment, or the last of the Judgments complained of, unless the Judgment be pronounced by the Sheriff of Orkney, in which case the reclaiming Note shall be lodged within *Twenty* days from the date of the Judgment or the last of the Judgments as aforesaid; and a copy of the said Note shall in all cases be delivered within the said respective periods to the Respondent or his known agent, which shall be held to be due service, and a copy thereof certified by the said Clerk of Session shall be a sufficient warrant to the Sheriff Clerk to transmit to the said Clerk the proceedings in the process.

9.
Inner House during Session to review.

And be it Enacted, That if the Court of Session be sitting, the reclaiming Note shall be inrolled before one or other of the divisions of the Inner House, as soon as conveniently can be, and the Court shall pronounce such Judgment as shall be just, or remit the cause to the Sheriff with such Instructions as to them shall seem fit, or to the Lord Ordinary on the Bills during vacation or during the Christmas recess, to do therein as shall be just.

10.
Lord Ordinary on Bills to review during Vacation or Christmas Recess.

And be it Enacted, That if the Court of Session be not sitting when the reclaiming Note has been lodged, the cause may, as soon as thereafter may be convenient, be inrolled in a roll to be kept for that purpose in the Bill-Chamber, and the Lord Ordinary on the Bills, shall on a day to be specified in that roll, hear parties vivâ voce, and pronounce judgment as hereinbefore provided, and for the purposes of this Act he shall possess during the vacation and the Christmas recess, the powers competent to the Inner House during session; but his judgment shall be subject to review in manner hereinafter mentioned; and if the proceedings have not been brought to a termination before the Lord Ordinary on the Bills at the commencement of the ensuing session, the cause shall be inrolled before the Inner House, which may give judgment therein as if it had been inrolled or had continued without interruption before the Inner House.

11.
Proceedings in cases originating in the Court of Session.

And be it Enacted, That where a Summons of Cessio Bonorum is raised before the Court of Session, the Debtor shall publish a Notice in the Edinburgh Gazette, intimating that the said Summons has been raised, specifying in which Division of the Court it is to be enrolled, and requiring all his Creditors to appear within *Thirty* days from the date of the said Gazette Notice; and he shall also send letters through the Post Office (paying the postage thereof) to each of the Creditors specified in the Summons to the same effect, or in his optiou cite them in terms of Law; and on or before the *Sixth* lawful day prior to the expiration of the said *Thirty* days, he shall lodge, to be patent to all concerned, a state of his affairs, subscribed by himsulf, and all his books, papers and documents relating to his affairs, in the hands of the Clerk to the Process, together with a copy of the said Gazette; and if the letters have been sent through the Post Office, he shall produce a certificate subscribed by his Agent, or by a Messenger or Sheriff Officer, and a Witness, stating the date and the place where the letters were put into the Post Office, that the postage was paid, and that they were severally addressed as specified in the Summons, or an execution subscribed by a Messenger and one Witness, of citation of the Creditors to whom such letters have not been so sent.

12.
Court of Session may remit to the Lord Ordinary on the Bills, or to the Sheriff.

And be it Enacted, That on expiration of the said *Thirty* days, the Process shall forthwith be enrolled in the Rolls of the Division of the Inner House, specified in the said Notice, without the necessity of being called or enrolled in the Outer House; and it shall be competent to the Inner House to remit to the Lord Ordinary on the Bills, or to the Sheriff of the County in which the Debtor's domicile is, to take his examination in presence of his Creditors; and for that purpose on a day appointed, the Debtor shall appear in presence of the said Lord Ordinary, or of the Sheriff, (as the case may be); and the Lord Ordinary or the Sheriff shall have power to put him on oath or affirmation, (as the case may be), and the Debtor shall be bound to answer all pertinent questions put to him, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of Cessio shall be refused in hoc statu; and the Lord Ordinary or Sheriff (as the case may be) shall thereupon report to the said Inner House, who may either grant decree, or refuse the same in hoc statu, or grant it subject to a declaration, that it shall not be extractable, or available as a protection to the Debtor for such time as shall appear proper, or issue such other orders as may be necessary for the due administration of Justice.

13.
Lord Ordinary on the Bills to judge during Vacation or Christmas Recess.

And be it Enacted, That if the Court of Session be not sitting at the time when the said Examination has been finally taken before the Lord Ordinary on the Bills, or when the said Report has been made by the Sheriff, the Cause may be enrolled in a Roll to be kept for that purpose in the Bill Chamber, and the Lord Ordinary on the Bills shall, on a day to be specified in that Roll, hear parties vivâ voce and pronounce judgment; and if the Court of Session be sitting when the Report of the said Examination is made, either by the said Lord Ordinary or the Sheriff; but the proceedings cannot be brought to a termination before the expiration of the Session, or before the commencement of the Christmas recess, the Inner House may remit the Cause to the said Lord Ordinary, to proceed therein during vacation or the Christmas recess, in the same way as if the Cause had been enrolled in the Bill Chamber in manner above provided, and if the proceedings have in any case not been brought to a termination before the Lord Ordinary on the Bills at the commencement of the ensuing Session, the Cause shall be enrolled before the Inner House, which may give judgment therein as if it had been enrolled, or had continued without interruption before the Inner House; and for the purposes of this Act, the Lord Ordinary on the Bills shall possess, during the vacation and the Christmas recess, the powers competent to the Inner House during Session; but his Judgment shall be subject to review in manner hereinafter mentioned.

14. Judgment of the Lord Ordinary on the Bills subject to review.

And be it Enacted, That it shall be competent for any Person aggrieved by any Judgment pronounced by the Lord Ordinary on the Bills, to bring the same under the review of the Division of the Inner House to which the case is appropriated, by a reclaiming Note, provided the Note be lodged within *Ten* days after the date of the judgment, and duly intimated to the agent of the Respondent, and the Inner House shall proceed with all dispatch to hear parties vivâ voce thereon, and may give judgment as aforesaid, or issue such other orders as may be necessary for the purposes of justice.

15. Power to grant interim protection or liberation.

And be it Enacted, That if the Debtor be in prison, it shall be competent for the Inner House during session, and for the Lord Ordinary on the Bills during the vacation or the Christmas recess, whether the Case has been originally instituted in the Court of Session or before the Sheriff (provided that it be under review of the said court), and for the Sheriff, where the Petition has been presented to, and is depending before him, on production of a copy of the said Gazette, containing the notice aforesaid, and of the Certificate of Transmission of the letters, or execution of citation, to grant warrant to liberate the Debtor; and if the Debtor is not in prison, to grant warrant for his personal protection against the execution of diligence, for such space of time as shall be proper: Provided always, That before any such warrant be issued, the Debtor shall lodge with the Clerk of Court a bond with a sufficient cautioner, binding themselves that he shall attend all Diets of Court whenever required, under such penalty as may be reasonable; and it shall be competent for the Inner House, or the said Lord Ordinary or the Sheriff respectively in all cases, to grant warrant to bring the Debtor before them for examination, and also to carry him back to prison; and such warrant, as well as the warrant of liberation, and the warrant of personal protection, shall be good and lawful warrants in all parts of Scotland, to the effect therein specified; and it shall not be competent where the warrant of liberation or protection is granted by the Lord Ordinary on the Bills, or the Sheriff, to suspend the effect thereof by lodging a reclaiming Note, or Petition, complaining of the same: Provided nevertheless, That a reclaiming Note or Petition may be lodged as hereinbefore provided, and it shall be competent to the Inner House, or the Sheriff (as the case may be), on hearing parties, to recall the same.

16.
Decree to operate as an assignation to Creditors, or disposition omnium bonorum to be granted.

And be it Enacted, That the Decree pronounced by the Inner House or by the Lord Ordinary on the Bills, or by the Sheriff granting the benefit of Cessio Bonorum, shall operate as an assignation of the Debtor's moveables, in favour of any Trustee mentioned in the Decree for behoof of the Creditors; Provided always, That it shall be optional to the Creditors to require the Debtor to execute a disposition omnium bonorum, as has been hitherto granted in processes of Cessio before the Court of Session in favour of the Trustee, the expense of which Deed shall be paid out of the readiest of the funds thereby conveyed.

17.
Provision where Decree refused hoc statu.

And be it Enacted, That if the Decree of Cessio be refused in hoc statu, either by the Court of Session or the Sheriff, the Debtor may at any time thereafter, without the necessity of raising any new Summons, or presenting any new Petition, apply to have Decree of Cessio pronounced in his favour; and if the decree has on review by the Court of Session been refused in hoc statu, the Debtor may either apply to that Court for Decree, or present a new Petition to the Sheriff, in which latter case proceedings shall take place as if no former Petition had been presented: Provided always, That the Debtor shall in all cases of a renewed application, give notice thereof in such manner as shall be appointed either by the Court of Session or Sheriff respectively.

18.
Dyvours habit abolished; Act 1696, c. 5. in part repealed; Oath to be taken; and Insolvency proved if denied.

And be it Enacted, That it shall not be lawful to ordain the Debtor to wear the Dyvours habit, but he shall be required to prove his Insolvency (if the same shall be denied) as by law presently established; and he shall be bound to take an oath in cases before the Sheriff, as well as in those before the Court of Session, in the same terms as the oath hitherto administered in processes of Cessio in the Court of Session; and an Act of the Parliament of Scotland, passed in the year Sixteen hundred and ninety-six, intituled, "An Act for declaring notour Bankrupts," shall be and is hereby repealed, in so far as the said Act bears that "The Lords of Session are hereby discharged to dispense any Bankrupt as to the habit, unless in the summons and process of Cessio, the Bankrupt's failing through misfortune be libelled sustained and proven."

19.
Regulation of Appeals to the House of Lords.

And be it Enacted, That nothing herein contained shall exclude an Appeal to the House of Lords against the judgment of the said Inner House, either granting or refusing Decree of Cessio: Provided always, That the Petition of Appeal be lodged within *Ten* days from the date of the Judgment during the sitting of Parliament, if it shall continue to sit for so many days; and if Parliament be not sitting, or, if sitting, there be not so many days, then the Petition of Appeal shall be presented within *Six* days after the next Session of Parliament shall have met.

20.
No Fee Fund Dues on Government Duties exigible.

And be it Enacted, That no Fee Fund Dues shall be exigible in respect of any of the proceedings mentioned in this Act, nor shall any Stamp Duty or other Government Duty be eligible in respect of any Notices or Advertisements authorized by this Act to be inserted in the Edinburgh Gazette, nor in respect of the disposition which the Debtor shall be ordained to execute in terms of this Act; any law or statute to the contrary notwithstanding.

21.
Act may be repealed.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts passed during the present Session of Parliament.

Cessio Bonorum.

A

BILL

For regulating the Process of Cessio Bonorum in the Court of Session; and for extending the Jurisdiction of Sheriffs in Scotland to such cases.

(*Prepared and brought in by The Lord Advocate, Mr. Attorney General, and Mr. Robert Steuart.*)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1836.

100.

21 *July* 1836.—7 Will. IV.

(Ireland.)

A

BILL,

INTITULED,

AN ACT to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

Preamble.

1 WHEREAS it is expedient that the offices hereinafter mentioned should be abolished, and provisions made for the due performance of the duties thereunto belonging, and that other offices connected with the said Court should be regulated, and that such of the duties performed in the offices so to be abolished as are necessary to be continued should be transferred to other offices; **Therefore be it Enacted**, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, THAT the office of Clerk of the Crown and Hanaper in *Ireland* shall utterly cease from and after the determination of the existing interest of the present possessor of the said office; and that the offices of Usher of the said Court of Chancery, of Six Clerks of the said Court, and the office of Cursitor of the said Court, shall be and the same are hereby abolished: Provided always, That nothing herein contained shall be construed to deprive the present Usher of the Fees of Poundage which he is now by law entitled to receive, but that he shall receive the same as heretofore, any

1. Office of Clerk of the Crown and Hanaper, and Offices of Usher, Six Clerks, and Cursitor of Court of Chancery abolished.

2 thing in this Act to the contrary notwithstanding.

2.
Appointment of new Clerk of Crown and Hanaper; his Salary and Duties.

And be it further Enacted, That upon such determination of the interest of the present possessor of the said office of Clerk of the Crown and Hanaper, it shall and may be lawful for His Majesty, His heirs and successors, under His and their Royal Sign Manual, to nominate and appoint a fit person to be Clerk of the Crown and Hanaper, and so from time to time as a vacancy may occur therein; and that such person so to be nominated and appointed shall hold the said office during good behaviour, notwithstanding the demise of His Majesty, or of any of His heirs and successors; and that the persons so to be appointed to such office shall receive and be paid a salary of Six hundred Pounds *per Annum*, and shall and they are hereby required personally to do and perform all such matters and things necessary and proper in the due execution of the business of the said office, and as have been heretofore done and performed by the Deputy of the said Clerk of the Crown and Hanaper.

3.
Clerk of the Crown and Hanaper to employ two Clerks, and receive and account for Fees named in 4 Geo. 4. c. 61.

And be it further Enacted, That the said Clerk of the Crown and Hanaper shall and may employ Two Clerks in his office, to be approved of by the Lord Chancellor, to aid in the discharge of the duties thereof, at the respective salaries of One hundred and fifty Pounds and One hundred Pounds per annum; and that it shall and 3
may be lawful for the said Clerk of the Crown and Hanaper to receive and take all and every the fees and emoluments mentioned and set forth in the Table, No. 10, annexed to an Act passed in the fourth year of the reign of his late Majesty, intituled, "An Act for the better Administration of Justice in the Court of Chancery in *Ireland*;" and that the said Clerk of the Crown and Hanaper shall be at liberty thereout to retain his salary, and to pay the respective salaries to the said clerks, and other incidental and necessary expenses of the said office, to be approved of by the Lord Chancellor; and that such fees and emoluments shall be accounted for on oath once in every Quarter before one of the Masters of the said Court, and the balance, if any, paid into the Bank of *Ireland* within Fourteen Days from the end of every Quarter, to the credit of the Accountant General of the Court of Chancery, to be by him placed to an account to be intituled, "The Suitors' Fee Fund Account;" and in case such fees shall not be sufficient to pay the several salaries, and the other incidental expenses of the said office, the deficiency shall be paid out of the monies standing to the credit of the Suitors' Fee Fund Account.

4.
Appointment of Clerk of the Affidavits and One Assistant, with Scrivenary Clerks; their Salaries and Duties.

And be it further Enacted, That there shall be an officer to be called the Clerk of the Affidavits, who shall do and perform all the 4
duties heretofore done and performed by the Usher of the Court or his Deputy; and that there shall be one Assistant Clerk to the said Clerk of the Affidavits, with one or more Scrivenary Clerks as shall

appear necessary for the due discharge of the duties of the office, to be approved of by the Lord Chancellor; and that *Charles Hogan*, Esquire, one of the present Six Clerks, shall be such Clerk of Affidavits, and *Simon Maddock* such Assistant Clerk; and that upon the happening of a vacancy in the office of Clerk of Affidavits or Assistant Clerk, the Lord Chancellor shall appoint some fit person thereto, by writing under his hand, to be entered in the Registrar's Office of the said Court; and such Clerk of Affidavits shall be allowed out of the fees to be received the annual sum of Six hundred Pounds, the Assistant Clerk the annual sum of One hundred and fifty Pounds, and the Scrivenary Clerk or Clerks such salary or salaries or allowances as the Lord Chancellor from time to time shall direct; and that such Clerk of Affidavits and his Clerk shall and may take and receive such fees as are now receivable by the Usher, save and except the poundage on cash paid out of Court; and the said Clerk of Affidavits shall and may thereout retain and deduct the respective sums hereby made payable to him and the Assistant Clerk respectively, together with such other sum for the salaries or allowances to the Scrivenary
5 Clerks, and the incidental and necessary expenses of the office, as the Lord Chancellor may from time to time allow, and shall account for such fees in the manner hereinafter mentioned; and that in ascertaining and fixing the compensation of the said *Charles Hogan* under the provisions of this Act, in relation to the said office of Six Clerk so abolished as aforesaid, due regard shall be had to the said office of Clerk of Affidavits, to which the said *Charles Hogan* has been so appointed under this Act in manner aforesaid.

5.
Clerk of Affidavits to compare and attest Copies of Affidavits.

And be it further Enacted, That it shall be the duty of such Clerk of Affidavits to cause every copy of Affidavit to be duly compared with the original from which it shall be made, before he shall attest the same, and that such Clerk of Affidavits shall be responsible for the accuracy of every copy so attested by him.

6.
Appointment of Two Clerks in Court, and Clerk of Appearances and Writs, with Two Assistants.

And be it further Enacted, That in order to provide for such of the duties heretofore performed by and in the Office of the Six Clerks as are necessary to be continued, and also for the duties which are now performed in the Office of Cursitor of the Court, there shall be the several Officers following; (*videlicet*) Two Officers, to be called Clerks in Court, whose duty it shall be, one to attend the Lord Chancellor's Court, and the other the Rolls Court, for the purpose of reading all documents necessary to be read in Court, and discharging such other
6 duties as shall be prescribed to them under the General Orders to be made by the Lord Chancellor, with the advice and assistance of the Master of the Rolls, in manner hereinafter enacted; and an Officer to be called Clerk of the Appearances and Writs; and that there shall be

Two Assistant Clerks to the said Clerk of the Appearances and Writs; and that *John William Ball* and *Henry Darley*, Esquires, two of the present Six Clerks, shall be Clerks in Court, and *Yelverton Dawson*, Esquire, one other of the present Six Clerks, Clerk of the Appearances and Writs; and *Nicholas Keatinge*, Esquire, and *John Albert Mons*, the Assistant Clerks; and that on the death, resignation or removal of any of the said several Officers, the vacancy thereby occasioned shall be filled up from time to time by the Master of the Rolls, by an appointment in writing, to be entered in the Registrar's Office; and that in ascertaining and fixing the compensation to the said *John William Ball*, *Henry Darley* and *Yelverton Dawson*, due regard shall be had to the said offices to which they have been so respectively appointed under this Act.

7.
Lord Chancellor and Master of the Rolls to make Rules for performance of Duties of abolished Officers.

And be it further Enacted, That the duties of the several Officers, and such of the duties of the said Six Clerks as may be necessary to be performed by any of the other Officers of the Court, or by the solicitors of the parties, shall be performed in such manner and under 7
such rules and regulations as the Lord Chancellor, by and with the advice and assistance of the Master of the Rolls, shall by any General Rules or Orders to be issued for that purpose order or direct; and that all notices, summonses, orders and other matters which have heretofore been served by and on the said Six Clerks shall be served by and on the solicitors of the parties, save where it shall be otherwise directed by such General Rules or Orders to be issued as aforesaid; and such Solicitors shall be entitled to charge such fee for such duties as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by General Order fix and determine; and that the Signature by the Solicitor to all pleadings and documents heretofore required to be signed by the Six Clerks shall be deemed and taken as sufficient.

8.
Writ of Subpœna to be an open Writ, and sealed with the Seal of the Clerk of Appearances and Writs.

And be it further Enacted, That the Clerk of the Appearances and Writs shall provide a Seal, in such form and with such impression as the Lord Chancellor shall approve of; and that the Solicitor for the party desirous of issuing a Writ of Subpœna may prepare such Subpœna, and present the same to the Clerk of the Appearances and Writs for sealing, and the same shall henceforth be an open Writ, and
either in the present form or any other form which the Lord Chancellor 8
may from time to time direct; and such Writ shall, upon presentment thereof for that purpose, be forthwith sealed with such Seal, and shall have the same force and validity as a Writ of Subpœna now has when sealed with the Great Seal; and there shall hereafter be paid to the Clerk of the Appearances and Writs for each such Subpœna, on the same being sealed, such sum as the Lord Chancellor, with the advice and

and assistance of the Master of the Rolls, shall from time to time order and direct.

9.
Clerk of Appearances and Writs to receive the Fees now payable to the Six Clerks and Cursitor, and thereout defray Salaries, &c.

And be it further Enacted, That the Clerk of the Appearances and Writs shall receive, in such manner as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by General Order from time to time direct, the fees which by law are now receivable by the Six Clerks, or so many of such fees as shall be deemed necessary for the purpose of paying the salaries hereby made payable thereout to the several Officers, and of forming a fund for making compensation to such Six Clerks, and shall also receive the fees now receivable by the Cursitor of the said Court, and shall and may thereout pay and retain the several annual sums following; (that is to say) to the Two Clerks in Court the annual sum of Six hundred Pounds each, the Clerk of the Appearances and Writs the annual sum of Six hundred Pounds, to
9 the First Assistant Clerk the annual sum of Three hundred Pounds, and to the Second Assistant Clerk the annual sum of One hundred and fifty Pounds, together with such other sum for the incidental and necessary expenses of their offices respectively as the Lord Chancellor may from time to time allow; and such Clerk of Appearances and Writs shall account for such fees in manner hereinafter mentioned.

10.
Clerks of Affidavits and of Appearances and Writs to account quarterly for Monies received by them, and Balance to be carried to the Suitors' Fee Fund Account.

And be it further Enacted, That the Clerk of Affidavits and the Clerk of the Appearances and Writs shall respectively pay into the Bank of *Ireland*, to the credit of the said Accountant General, such sums of money as they shall respectively receive, at such periods and under such regulations as the Lord Chancellor shall from time to time by any General Order direct; and that they shall respectively account on oath once in every quarter before one of the Masters of the said Court for all fees and sums of money received and paid by them respectively, and shall pay the balance thereof into the Bank of *Ireland*, to the credit of the said Accountant General, within Fourteen Days from the end of every quarter; and all such sums of money when so paid in shall be from time to time placed to the account of the " Suitors' Fee Fund Account."

11.
New Establishment of the Registrars' Office.

AND whereas it is expedient that the Office of the Registrars of the said Court should be regulated; therefore BE it Enacted, That the Establishment of the Registrars' Office shall consist of Two Registrars,
10 One Assistant Registrar and Six Clerks, and such a number of Scrivenary Clerks as the service of the said office shall require, and as shall be approved of by the Lord Chancellor; and that *Francis Prendergast* and *Charles O'Keefe*, Esquires, shall continue to be such Registrars, and *Robert Long*, Esquire, shall be the Assistant Registrar, and *Yelverton O'Keefe, John Kelly, William Young, Robert*

Levy, *John Connor* and *Thomas Batley* shall be continued as such Clerks, and that *Francis Whelan* and *John Kelly*, junior, shall act as Assistant Clerks in the said Office; and that upon the happening of a vacancy in the office of either of the said Registrars, such vacancy shall be filled up by the Assistant Registrar; and that upon a vacancy happening in the office of Assistant Registrar, the same shall be filled up by the Chief Clerk, if no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and in case the Lord Chancellor shall not consider him to be qualified, then the Lord Chancellor shall, until after mentioned, appoint some proper person to be Assistant Registrar; and as vacancies may occur in the office of any of the present Clerks or Assistant Clerks, such vacancies shall not be filled up until the whole number of Clerks be reduced to Six; and upon a vacancy happening after the number shall be reduced to Six, the Lord Chancellor shall appoint some proper person to fill the office, and so 11 from time to time until the whole of the present Clerks shall be removed; and when a new succession of Clerks shall be so appointed, then and in that case, upon the death, resignation or removal of any of them, other than the junior Clerk, the vacancy thereby occasioned shall be filled up by the Clerk next in seniority to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and that on all future vacancies in the office of junior Clerk the Lord Chancellor shall appoint some proper person to be such junior Clerk; and that upon a vacancy happening in the office of Assistant Registrar after the whole number of Clerks shall have been appointed by the Lord Chancellor under this Act, then such vacancy shall be filled up by the senior Clerk in the said office for the time being to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made.

12.
Duties of Registrars and Assistant Registrar.

And be it further Enacted, That the said Registrars shall attend the Court of the Lord Chancellor and the Court of the Master of the Rolls as heretofore; and that the duty of the Assistant Registrar shall be to attend and superintend the general business of the office; and such Assistant Registrar shall be and he is hereby empowered to countersign the drafts of the Accountant General, and to sign official 12 documents, and do all official acts necessary in the execution of the duties of the office, in the same manner as the said Registrars are authorized to do.

13.
Limitation of Salaries of Registrars.

Provided always nevertheless, and be it further Enacted, That in case such fees, after payment of the several salaries aforesaid, and such sum as the Lord Chancellor for the time being may allow for books, paper, Scrivenary Clerks and other incidental and necessary expenses of the said office, shall exceed in amount the clear sum of Two thousand

Pounds *per Annum* to each of the present Registrars, and One
thousand five hundred Pounds *per Annum* to any future Registrar to
be appointed, such excess shall be paid over as after mentioned; and
13 that any person to be hereafter appointed Registrar on the happening
of a vacancy in the office of either of the present Registrars, the fees
and emoluments of such future Registrar shall be limited to the clear
sum of One thousand five hundred Pounds *per Annum.*

14.
Registrars to account quarterly for Fees received by them.

And be it further Enacted, That for the purpose of ascertaining the
fees and emoluments of the Registrars for the time being, they shall
every quarter in the year, beginning on the quarter next after the com-
mencement of this Act, account on oath before one of the Masters of
this Court for all fees and sums of money received by them or for
their use, and of the sums from time to time paid by them thereout
for salaries to the several officers aforesaid, and for other official
expenses to be allowed as aforesaid; and whenever and so often as it
shall appear by such account that the sums received by or payable to
such Registrars in any one quarter of a year shall exceed the clear sum
of Five hundred Pounds to each of the present Registrars, or of Three
hundred and seventy-five Pounds to any future Registrar to be
appointed (after deducting thereout the salaries and expenses afore-
said), the said Registrars shall, within Fourteen Days next after every
such quarter of a year, pay the amount of such excess into the Bank
of *Ireland,* to the credit of the Accountant General of the said Court,
14 to be placed by him to the account to be intituled, "The Suitors' Fee
Fund Account."

15.
For making good deficiency in Registrars' Salaries.

And be it further Enacted, That if at any time it shall appear by the said account that the sums received by or for the use of the Registrars in respect of their said office in any one quarter, after making the deductions hereinbefore mentioned, shall be less than the sum of Five hundred Pounds to each of the present Registrars, and Three hundred and seventy-five Pounds to any future Registrar, the deficiency shall be paid to them by the said Accountant General out of the monies standing to the credit of "The Suitors' Fee Fund Account."

16.
For appointment of additional Clerks.

And be it further Enacted, That if it shall hereafter appear to the
Lord Chancellor that the business of any of the offices of the said
Court cannot be discharged with due despatch without the assistance
of an additional Clerk or Clerks, then and in such case it shall be
lawful for the Lord Chancellor from time to time to direct that one or
more additional Clerk or Clerks shall be appointed, with such salary
and salaries as he shall deem proper, to be paid out of the funds of
15 the respective offices to which such Clerk or Clerks shall be appointed;
and such additional Clerk or Clerks shall be appointed by the Judge

for the time being who may have the right of appointing the other Clerks in the said office.

17.
Officers may appoint Deputies in case of illness.

And be it further Enacted, That in case of illness or other necessary cause of absence, it shall be lawful for any of the Officers filling the respective Offices hereinbefore mentioned, from time to time as occasion may require, to appoint a Deputy, such Deputy, and also the occasion for such appointment, to be first approved by the Judge on whom it shall be the duty of such Officer to attend, upon a Petition, to be verified by Affidavit, for such time and under such Regulations as the Judge shall direct; and no such appointment of a Deputy shall continue for any longer time than shall be allowed and specified in and by the Order which shall be made on such Petition; and that such Deputy shall be paid out of the salary or fees of such Officer such sum as shall be directed by the said Order.

18.
Officers not to act as Attornies or Solicitors on pain of Dismissal.

And be it further Enacted, That it shall not be lawful for any Person who shall be appointed to hold any of the Offices of the said Court to act or practise, either in his own name or in the name of any other Person or Persons, as an Attorney or Solicitor in any of the Courts at Law or Equity in *Ireland*; and in case it shall appear by evidence to 16
the satisfaction of the Lord Chancellor, that any such Officer or Person shall directly or indirectly, by himself or any other Person in partnership with or in trust for him, act as such Attorney or Solicitor, the Lord Chancellor shall and may thereupon remove him from his Office.

19.
Fee of 6*d*. in the pound payable to the Usher to continue till Cessation of Compensation to Officers.

AND whereas it may be found expedient that the fee of Sixpence in the Pound payable to the Usher of the Court of Chancery, or some portion thereof, should continue to be paid after the death of the present Usher in aid of the Fund for providing Compensation for the several Officers aforesaid; BE it Enacted, That such fee of Sixpence in the Pound now payable to the Usher shall be continued to be deducted by the Accountant General during the life of the Honourable *Richard Hobart Fitzgibbon*, the present Usher, and be paid over to him; and that in case after his death the Lord Chancellor shall consider it necessary that said fee or any portion thereof shall be continued for the purpose of providing a fund for the payment of the Compensation to be made to the said Officers or any of them, it shall be lawful for him to make an order for continuing the payment of said fee or any portion thereof for any period he may think necessary, and from time to time to vary such order as he may think fit; and the Accountant 17
General shall during the period specified in said order place the sums received in pursuance thereof to the credit of the said Account to be intituled, "The Suitors' Fee Fund Account," any thing in the said recited

recited Act to the contrary notwithstanding: Provided always however, That whenever the Compensation to be made to the several Officers aforesaid shall cease to be payable, the said fee shall absolutely cease and be abolished.

20. Surplus of Suitors' Fee Fund to be invested in Government Stock.

And be it further Enacted, That any surplus monies standing in the name of the Accountant General to the account aforesaid, after paying and providing for the several charges thereon, shall from time to time be laid out and invested by the Accountant General, either in one entire sum or in parcels, in the name of the said Accountant General, in Government stock; and such stock shall be placed to the like account, and such surplus funds shall be subject to the same purposes, as the original funds with which the same were purchased.

21. When Suitors' Fee Fund more than sufficient for answering Salaries, &c. the Chancellor may abolish any Fee.

And be it Enacted, That whenever it shall appear that the monies and securities standing to the account to be intituled, "The Suitors' Fee Fund Account," together with the interest and dividends thereof, and the fees expectant and to be payable to such account, shall be more than sufficient to answer and pay the several salaries and other payments for the time being chargeable thereon, it shall be lawful for the Lord Chancellor to abolish any fee, or to reduce other fees, as may to the said Lord Chancellor from time to time seem fit, and as the compensations payable thereout may cease.

22. Payment, and orders for payment, &c. of Money not subject to Usher's Poundage, or any Fee.

And be it further Enacted, That no payment of any sum or sums of money to be made under or by virtue of this Act, shall be subject to the payment of Usher's Poundage: And provided also, That every Order to be made for the transfer, investment or payment of any money under this Act or any of the provisions thereof shall be free of and discharged from the payment of any fee whatsoever to any officer of the said Court.

23. Extraordinary Commissioners may take acknowledgments of Recognizances.

And be it further Enacted, That it shall be lawful for all Extraordinary Commissioners of the Court of Chancery, and they are hereby authorized and empowered to take in *England* or *Scotland* the acknowledgment of recognizances by parties and others in suits and matters depending in the said Court, in such and the same manner as the Masters in Ordinary of the Court of Chancery may now take according to the practice of the said Court respectively.

24. Commission of Bankrupt issued after 1st July 1836, to have the same effect as if issued before that day.

And be it Enacted, That any Commission of Bankrupt issued or to be issued in *Ireland* after the First day of July in the year of our Lord One thousand eight hundred and Thirty-six, founded on any Trading or Act of Bankruptcy carried on or committed prior to the said First day of July One thousand eight hundred and Thirty-six, shall have the same force and effect as if such Commission had issued prior to the said First day of July One thousand eight hundred and Thirty-six; and that in every case the Petitioning Creditor or Creditors may prove his or their Debt or Debts before the Commissioner of Bankrupt in *Ireland*, in the same manner as all other Creditors of the Bankrupt are permitted to prove their Debts respectively.

25. Powers of Act may be exercised by Lord Keeper or Lords Commissioners as well as Lord Chancellor.

And be it further Enacted, That the powers and authorities given by this Act to the Lord Chancellor shall and may be exercised in like manner and are hereby given to the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal respectively, for the time being.

26. Commencement of Act.

And be it further Enacted, That this Act shall commence and take effect from and after the Twentieth day of October next.

27. Act may be altered, &c. this Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Court of Chancery (Ireland).

A

BILL,

INTITULED,

AN ACT to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1836.

472.

17 *May* 1836.—6 Will. IV.

(Ireland.)

A
BILL

To amend an Act of his late Majesty King George the Second, for the Encouragement of Building of Chapels of Ease in Ireland.

[Note.—The Words printed in *Italics* are proposed to b ted in the Committee.]

Preamble.

WHEREAS an Act was passed in the first year of his late Majesty King George the Second, intituled, amongst other things, "An Act to enable Archbishops, Bishops and other Ecclesiastical Persons and Corporations, to grant their Patronage or Right of Presentation or Nomination to Small Livings to such Persons as shall augment the same," wherein several provisions were made for the encouragement of building of Chapels of Ease:

And whereas it is expedient to afford greater facilities to the carrying into effect the said objects proposed by the said Act, and for that purpose to amend the same; THEREFORE

1. Any one may allot, with consent of the Bishop, One Acre for Site of Chapel, not less than One Mile from Mother Church, unless in a City or Town, &c.

Be it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful to and for any person or persons, bodies politic or corporate, by and with the consent of the Archbishop or Bishop of the diocese, to be signified in writing under his hand and seal, to allot and set apart any land, not exceeding *One* plantation Acre, provided the same shall not be within *One* measured Mile of any other Church or Chapel where the Liturgy and rites of the united Church of England and Ireland, as by law established, are used and observed, unless the said lands shall be within some city or corporate town, or within a town containing *Four Thousand* Persons, or the suburbs, liberties and precincts of the same; on which said lands so set apart, it shall and may be lawful to and for any person or persons, bodies politic or corporate, to erect and build a Chapel, or to appropriate as a Chapel any building already erected on such land, in which the Liturgy and rites of the united Church of England and Ireland, as by law established, are to be used and observed, who shall first settle and assure lands, tenements or hereditaments, held in fee simple or for lives, with covenant for perpetual renewal thereof, or for a term of *Ninety-nine* Years, of which *Sixty* Years at the least shall be then unexpired, free from incumbrances, and of the clear yearly value of *Fifty* Pounds at the least, or money in any of the Government Funds, amounting at the least to *One thousand Two hundred and Fifty* Pounds, as a provision or maintenance for a Minister to officiate in such Chapel, and his successors for ever, as a per[illegible] endowment of such Chapel: Provided always, That the [illegible] set apart for building thereon such Chapel, or wher[illegible] building shall be erected as aforesaid, shall be held [illegible]mple, or for lives, with covenant for perpetual renewal thereof, or for a term of *Ninety-nine* Years, of which not less than *Sixty* Years shall be unexpired; and provided also, that by the deed of endowment thereof, *One-third* at least of the sittings in such Chapel shall be set apart and appropriated as free sittings for ever.

2.
Founders of Chapel may vest the Patronage in Trustees, not exceeding Seven in number.

And be it further Enacted, by the authority aforesaid, That where any person or persons, bodies politic or corporate, shall erect or appropriate as aforesaid, and endow, and where *Two* or more persons, bodies politic or corporate, shall join in or contribute to the erecting or appropriating as aforesaid, and endowment of any Chapel or building as aforesaid, in pursuance of this Act, the Minister or Ministers to officiate in such Chapel, shall be from time to time nominated and appointed by Trustees, who shall not be fewer than *Five* nor more than *Seven* in number, and who shall be members of the united Church of England and Ireland, to be for that purpose named, in the first instance, by the person or persons, bodies politic or corporate, so erecting or appropriating and endowing any such Chapel, and that the vacancies which shall from time to time occur in the number of such Trustees, shall be filled up in such manner and order as in the deed of such endowment shall be settled: Provided, That if it should happen that all the Trustees of any such Chapel for the time being should die, without having appointed any other Trustee or Trustees as their successors, then and in such case it shall be lawful for the Minister for the time being of said Chapel, with the consent of the Bishop of the diocese, to appoint the requisite number of Trustees by the deed of endowment of such Chapel required.

And

3.
If Endowment be invested in Government Funds, Trustees may dispose of same, and invest Produce in Purchase of Lands, &c.

And be it further Enacted, That, in case such endowment shall be formed in the whole or in part of Government Funds, it shall be lawful for such Trustees, as they shall think fit, to dispose of such Government Funds, and to invest the produce thereof in the purchase of lands, tenements, or hereditaments, held in fee simple, or for lives, with covenant for perpetual renewal, or for long terms for years, of which at least *Sixty* Years shall be unexpired, in such manner, and subject to such restrictions as in said deed of endowment shall be for that purpose provided; and where such endowment shall be formed in the whole or in part of any estate, or interest in lands or tenements, less than a fee simple; it shall be lawful for such Trustees, as they shall see fit, to puschase any more extended interest therein, or the reversion or inheritance therein, in such manner and subject to such restrictions as in the said deed of endowment shall be for that purpose provided.

4.
Persons seised of Lands in fee or tail, may grant One plantation Acre for Site of Chapel.

And be it further Enacted, That it shall and may be lawful to and for all persons seised of any lands in fee, tail or for life, in possession, with immediate remainder to his, her or their issue, by his, her or their deeds, respectively to grant any part of such lands, not exceeding *One* plantation Acre, and not being part of the demesne lands actually occupied with or reputed as demesne, to the mansion or chief dwelling-house belonging to such tenant in fee, tail or for life, to the trustees for the time being of the deed of endowment of any Chapel to be erected under the provisions of this Act, as and for a site for such Chapel; and that all such grants shall be a complete bar of all estates tail and in remainder which otherwise would or might affect such lands, or shall have been so granted as aforesaid: Provided always, That such grants shall be for lives renewable for ever, or in fee, or for a term not less than *Ninety-nine* Years.

5.
1 & 2 Will. 4. c. 38. s. 10.
Bishop may assign a District to Chapel.

And be it further Enacted, That the Bishop of the Diocese, with the consent of the Incumbent, shall assign a particular district to every such Chapel as shall be built or appropriated under the provisions of this Act, or which has been or shall be built or appropriated under any other statute, or under and by virtue of any Ecclesiastical authority, except where, from special circumstances, he shall deem it not advisable to assign a district; and such district shall be under the immediate care of the Minister who shall have been duly licensed to serve such Chapel, so far as regards the visitation of the sick and other pastoral duties: Provided always, That it shall be lawful for the Bishop also to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Chapel or not; and the Bishop shall cause a description of the boundaries of the district assigned by him to such

Chapel to be registered in the Registry of the diocese, and shall also cause his order and direction, in writing, as to all offices to be performed in any such Chapel, to be registered in the Registry of the diocese.

6.
Trustees to be the true Patrons.

And be it further Enacted, by the authority aforesaid, That the Trustees to be so nominated and appointed by or in the manner directed as aforesaid, by any person or persons, bodies politic or corporate, who shall build, or appropriate and endow any such Chapel as aforesaid, shall, from the time of such endowment, be and be esteemed in law to be Patron or Patrons of such Chapel; and the right of presentation or nomination thereto shall be and is hereby from thenceforth for ever after vested in the Trustees to be so nominated by or appointed in such manner as aforesaid, by such person or persons, bodies politic or corporate, who shall build, or appropriate and endow the same, as aforesaid; and that such endowed Chapel shall be for ever after called and known by such name as the said Founders of such Chapel shall, in and by their deed of endowment direct and appoint.

7.
3 & 4 Will. 4. c. 37. s. 96.
Appointment to such Chapel to render void any Benefice, &c. previously held, and not to be held with any other.

And be it further Enacted, That if any Minister already possessed of any Benefice, Living or Curacy, shall be nominated and appointed to officiate in any such Chapel as aforesaid, and shall accept such appointment, and be duly licensed thereunto, that then such Benefice, Living or Curacy, shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever; and it shall be lawful for the Archbishop, Bishop or other Patron to collate or present thereto in like manner and form as if the former Incumbent had died; and in case any Minister who shall have been nominated and appointed to officiate in any such Chapel as aforesaid, and who shall have accepted such appointment and have been duly licensed thereunto, shall be collated or instituted to any other Benefice, Living or Curacy, that then the said appointment of such Minister to officiate in such Chapel as aforesaid shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever; and it shall be lawful for the Trustees for the time being, in the deed of endowment of such Chapel named, or subsequently duly appointed as thereby directed, to nominate and appoint another Minister to officiate in such Chapel, in like manner and form as if the former Minister had died.

8.
Chapelries founded to be Perpetual Cures.

And be it further Enacted, by the authority aforesad, That all Churches or Chapels which shall at any time hereafter be erected or appropriated and endowed by virtue of this Act, shall be and are hereby declared and established to be from the time of such endowment Perpetual Cures and Benefices presentative, and the Ministers duly admitted and instituted or nominated and licensed thereunto, and their successors respectively, shall be and shall be esteemed in law, bodies politic and corporate, and shall have perpetual succession by such name and names as in the grant of such endowment shall be mentioned, and shall have a legal capacity, and are hereby enabled to take in perpetuity to them and their successors all such lands, tenements and hereditaments as shall be granted unto them respectively by virtue of this or any other Act, or any deed or endowment; any law or statute to the contrary notwithstanding.

9.
4 Geo. 4. c. 86. s. 10.
Land conveyed for Site of Chapel not to be subject to question.

And be it further Enacted, That all lands and grounds which shall be granted and conveyed as and for the sites of such Chapels as aforesaid, and upon which any such Chapel shall be erected or appropriated as aforesaid, shall become and be and remain absolutely vested in the Trustees for the time being in the deed of endowment of such Chapel named, or subsequently duly appointed as thereby directed, free from all demands or claims of any body politic or corporate, or person or persons whatever, and without being at any time subject to any question as to any right, title or claim thereto, or in any manner affecting the same.

10.
No Deeds of grant to be effectual, unless enrolled within Six Months from Date.

And be it further Enacted, by the authority aforesaid, That no deeds of grant for any erection, appropriation or endowment to be made in pursuance of this Act, shall be good and effectual in law, unless such deeds be enrolled within *Six* Months from the date thereof in His Majesty's Court of Chancery in Ireland.

11.
Churches or Chapels endowed by virtue of this Act, and Ministers officiating therein, subject to visitation of Bishop of Diocese.

And be it further Enacted, by the authority aforesaid, That all Churches or Chapels endowed by virtue of the powers given by this Act, and all Ministers and Curates officiating therein, shall be subject to the visitation and jurisdiction of the Archbishop or Bishop of the diocese wherein such Churches or Chapels are situated, to all intents and purposes of law whatsoever.

12.
If void Six Months without nomination, the right lapses, as in presentative Livings;

And be it further Enacted, by the authority aforesaid, That for continuing the succession in such Perpetual Cures and Benefices, and that the same may be duly and constantly served, in case such endowed Cures or Benefices be suffered to remain void by the space of *Six* Months, without any nomination within that time of a fit person to serve the same by the person or persons having a right of nomination thereto to the Archbishop Bishop or other Ordinary, within that time to be licensed for that purpose, the same shall lapse to the Archbishop, Bishop or other Ordinary, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the course of law used in cases of presentative

Livings and Benefices, and the right of nomination to such endowed Benefice may be granted or recovered, and the Incumbency thereof may and shall cease and be determined in like manner and by the like methods, as the Presentation to or Incumbency in any Vicarage presentative may now be respectively granted, recovered and determined; and moreover, in case the Minister of such Chapel shall be absent from his Cure for above the space of *Sixty-one* Days in any one year without the license of the Archbishop, Bishop or other Ordinary first obtained for that purpose, such Chapel shall from thenceforth be and be esteemed in law actually void.

and void by absence, without License, Sixty-one Days in a year.

13.
But no lapse thereby till Six months after notice in writing by the Ordinary.

And be it further Enacted, by the authority aforesaid, That no lapse shall occur in case such Chapel becoming void by want of such residence of such Incumbent as aforesaid, till *Six* Months after notice thereof in writing, given by the Bishop or other Ordinary to the person or persons having right of nomination to the same: Provided always, That in case the person or persons entitled to nominate to such endowed Benefice shall suffer a lapse to incur, but shall after present or nominate to the same, before any advantage taken thereof by the Ordinary, Metropolitan or Crown respectively, such presentation or nomination shall be as effectual as if made within *Six* Months, although so much time be before elapsed as that the title by lapse be vested in the Crown.

14.
With consent of Bishop of Diocese and Incumbent, Persons may erect Chapel of Ease in any Parish.

And be it further Enacted, That it shall and may be lawful to and for any person or persons, bodies corporate and politic, with the consent of the Bishop of the diocese and the Incumbent, to erect and build a Chapel of Ease in any parish, provided the Incumbent shall, together with the Bishop of the diocese, give their consent thereto by writing under their respective hands and seals, to be deposited in the Registry in the diocese; and when such Chapel shall have been erected and consecrated, the Minister of the parish in which the same is built shall be from time to time and for ever the Minister of said Chapel; provided that wherever there is a mother Church at which the Minister is bound to officiate, he shall not be required to have Divine Service in said mother Church and Chapel oftener than *once* on each Sunday or Holiday in each.

Chapels of Ease.

(Ireland.)

A

BILL

To amend an Act of his late Majesty King George the Second, for the Encouragement of building of Chapels of Ease in Ireland.

(Prepared and brought in by
Mr. Lefroy and Mr. Shaw.)

Ordered, by The House of Commons, *to be Printed,*
17 *May* 1836.

242.

7 *June* 1836.—6 Will. IV.

A

BILL

For the Election of Charitable Trustees in certain Boroughs.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:
5 & 6 W. 4. c. 76. s. 71.

WHEREAS by an Act passed in the last Session of Parliament, intituled, "An Act to provide for the Regulation of Municipal Corporations in England and Wales," it was among other things provided, that in every Borough named in certain Schedules (A.) and (B.) to the said Act annexed, in which the body corporate named in the said Schedules, or any one or more of the members of such body corporate, in his or their corporate capacity, then stood solely or together with any person or persons elected solely by such body corporate, or solely by any particular number, class or description of members of such body corporate, seised or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, should continue in the persons who at the time of the passing of that Act were such Trustees as aforesaid, notwithstanding that they might have ceased to hold any office by virtue of which before the passing of that Act they were such Trustees, until the First day of August One thousand eight hundred and Thirty-six, or until Parliament should otherwise order, and should immediately thereupon utterly cease and determine: Provided always, That if any vacancy should be occasioned among the Charitable Trustees for any Borough before the said First day of August, it should be lawful for the Lord High Chancellor, or Lords Commissioners of the Great Seal for the time being, upon petition, in a summary way, to appoint another Trustee to supply such vacancy; and that every person so appointed a Trustee as last aforesaid should be a Trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a Trustee, and that he should then cease to be a Trustee: Provided also, That if Parliament should not otherwise direct, on or before the said First day of August One thousand eight hundred and Thirty-six, the Lord High Chancellor or Lords Commissioners of the Great Seal should make such Orders as he or they should see fit for the administration, subject to such charitable uses or trusts as aforesaid, of such trust estates;

1.
Present Charitable Trustees continued until Election of Trustees under this Act.

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said hereditaments, sums of money, chattels, securities for money, and other personal estate, shall continue in the persons who at the time of the passing of this Act are seised or possessed thereof as such trustees, and in the trustee or trustees appointed to supply any vacancy by the Lord High Chancellor or Lords Commissioners of the Great Seal of the time being in the manner provided by the recited Act until the first election of trustees under this Act.

2.
Council to determine the number of Charitable Trustees in each Borough.

And be it Enacted, That the Council of every such Borough, at a meeting to be specially called for that purpose on or before the *First* day of *October* in this year, shall determine upon a fit number of persons to be elected in the manner hereinafter mentioned, Charitable Trustees of the said Borough, such number to be either *Six*, *Twelve* or *Eighteen*, and the Council shall also determine the time and place of the first meeting of the Trustees, and the Mayor shall forthwith publish the number, time, and place determined upon by causing a notification thereof to be fixed on the outer door of the Town Hall, or in some public and conspicuous situation in the Borough.

3.
Burgesses to elect the Charitable Trustees from the Councillors, or persons qualified to be Councillors.

And be it Enacted, That on the *First* day of *November* in this and every succeeding year, the Burgesses of every such Borough shall openly assemble, or in case of Boroughs divided into Wards, shall openly assemble in their respective Wards, and shall elect, in manner hereinafter mentioned, from the Councillors or persons qualified to be Councillors of such Borough, the number of persons so determined upon as aforesaid by the Council, or such part of them as shall be needed, to supply the places of those who shall then go out of the trust, pursuant to the provisions hereinafter contained; and every such election shall be in form and manner as provided in the said Act for the election of Councillors: Provided always, That no Burgess shall vote at any such election for more than *Half* the number of Trustees then to be elected; and that in Boroughs divided into Wards, the person presiding in each Ward shall, at the close of the poll, deliver to the Mayor an account of the poll taken in his Ward, and the Mayor shall add together the votes given for each person in every Ward, and shall declare the election accordingly.

4.
Charitable Trustees to be a Body Corporate, of which the Mayor to be head.

And be it Enacted, That the persons so elected, and their successors, shall be, with the Mayor of the Borough for the time being, one body corporate, of which the Mayor of the Borough for the time being shall be the head, by the name of the Charitable Trustees of such Borough, and by that name shall have perpetual succession, and shall be enabled to sue and be sued in all courts and places of judicature within these realms, and shall stand seised and possessed of all hereditaments, monies, chattels, securities for money and other personal estate, of which the persons who were Trustees thereof at the time of the passing of the said Act, were by virtue of the said Act to continue seised or possessed until the said *First* day of *August*, or until Parliament should otherwise order, for such uses and trusts respectively as they were subject to before the passing of the said Act, and shall have all the estate, right, interest, title, powers and liabilities heretofore vested in or belonging to such persons as last aforesaid; and all the estate, right, interest and title, and all the powers of such persons as last aforesaid in respect of the said uses and trusts shall continue in each Borough in the persons in whom they were appointed to continue as aforesaid by the said Act, until the first election of Charitable Trustees in such Borough under this Act, and shall immediately thereupon cease and determine: Provided always, That the Charitable Trustees so to be appointed, and each of them respectively, notwithstanding their acting in a corporate capacity, shall be personally answerable for all acts done by them respectively, or breaches of trust to which they shall respectively be party or privy, as if they had acted in their individual and not in their corporate capacity.

5.
Trustees to go out of the Trust by rotation in Three Years.

And be it Enacted, That upon the *First* day of *November One thousand eight hundred and Thirty-seven*, and in every succeeding year, *One-third* part of the whole number of Charitable Trustees (with the exception of the Mayor) in every Borough shall go out of the trust by rotation; and in the year *One thousand eight hundred and Thirty-seven*, those who shall go out of the trust shall be those who were elected by the smallest numbers of votes on the said *First* day of *November* in this year; and in the year *One thousand eight hundred and*

Thirty-eight, those who shall so go out of the trust shall be those who were elected by the next smallest numbers of votes on the said *First* day of *November* in this year, the Council determining when the votes for any such persons shall have been equal who shall be the persons so to go out of the trust; and thereafter those who shall so go out of the trust shall always be the Trustees who have been for the longest time in the trust without re-election: Provided always, That any person so ceasing to be a Trustee shall be capable of being forthwith re-elected: Provided also, That if any vacancy shall be occasioned among the Charitable Trustees for any Borough at any time other than those hereinbefore provided for the election of such Trustees, the Council shall, within *Ten* Days next after the vacancy has happened, elect another Trustee from the persons qualified to be Trustees to supply such vacancy; and every person so elected a Trustee as last aforesaid shall be a Trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee, but shall be capable of immediate re-election.

6.
Money to the Credit of Trustees to be transferred.

And be it Enacted, That all Monies which shall be in any Bank or in the hands of any Treasurer or other person, placed to the credit of any account under the control of any persons so ceasing to act as Trustees for any charitable uses or trusts as aforesaid, shall, immediately upon the first election of the Charitable Trustees, in any Borough under this Act, be transferred to a like account under their control; and all conveyances, contracts, securities and debts made, entered into or contracted by, to or with any person or body corporate as Trustees of the said charitable estates and premises, shall, immediately upon the first election of the Charitable Trustees under this Act, be of the same force and with the like powers and remedies against and for the benefit of the said Charitable Trustees under this Act, as the same would have been against and for the benefit of the person or body corporate by, to or with whom or which the same were made, entered into and contracted; and for the purpose of prosecuting and defending any suits pending at the time of the *passing of this Act*, the Charitable Trustees under this Act shall come in the place of and be deemed and taken to be the successors of the persons ceasing to act as such Trustees as aforesaid; and all such suits shall be prosecuted and defended in the name of the Charitable Trustees of such Borough; provided that nothing herein contained shall extend to discharge any person or body corporate who as such Trustee has incurred any liability in respect of any breach of trust from such liability, or to impose such liability on the new Trustees or on the charity or trust estate.

Existing Contracts, Debts, &c. to be enforced and recovered.

Suits pending to be carried on.

7.
Estates belonging to the Borough charged with a fixed sum,

And be it Enacted, That in every case in which the hereditaments or personal estate, of which the Charitable Trustees of any of the said Boroughs to be vested in the Mayor, Aldermen and Burgesses.

Boroughs now stand seised or possessed, are chargeable for the purposes of the trust with a fixed sum or with a charge wholly satisfied by less than the whole of the rents and profits of the real estate or of the interest and dividends of the personal estate of which they are so seised or possessed, the whole estate, right, interest, title, powers and liabilities of the said Trustees in the said hereditaments and personal estate shall immediately after the *passing of this Act* be vested in the Mayor, Aldermen and Burgesses of the Borough, subject in the first instance to the charge created for the purposes of the trust, and the amount of such charge shall be accounted for by the said Mayor, Aldermen and Burgesses, and paid by the Treasurer of the Borough to such person as a *majority* of the said Trustees shall appoint under their hands and seals to receive the same, and shall be paid over to such person at such time or times as the disbursements have usually been made for the purposes of the trust, and the receipt of such person shall be a good discharge to the Treasurer, and to the said Mayor, Aldermen and Burgesses; neither shall the said Mayor, Aldermen and Burgesses, nor the Treasurer of the Borough be bound to see to the due application of the said charge; and, subject to the said charge, the rents and profits, interest and dividends of the said hereditaments and personal estate shall be carried to the credit of the Borough fund.

8.
Trustees to appoint a Treasurer, Secretary, &c.

And be it Enacted, That the Charitable Trustees in every Borough in which such Trustees shall be appointed under this Act, shall appoint in every year, to be removable at their pleasure, one fit person to be their Treasurer, and one other fit person to be their Secretary, and such Clerks, Officers and Collectors as they shall think necessary for administering their respective trusts, and shall take such security for the due execution of his office, by any such Treasurer, Secretary, Clerk, Collector or other Officer, as they shall from time to time direct, and shall order to be paid by them out of the trust funds such salaries as they shall think reasonable: Provided, That no person, being an Alderman or Councillor, or Charitable Trustee, or Town Clerk or Treasurer of any Borough shall be qualified to be Treasurer or Secretary to the Charitable Trustees of such Borough: Provided also, That the Treasurer and the Secretary to the said Trustees shall not be the same person.

9.
Summary remedy against Officers not accounting.

And be it Enacted, That every Treasurer, Secretary, Clerk, Collector, or other Officer appointed by the said Trustees as aforesaid, shall at such times during the continuance of his office, or within *Three* Months after the expiration of his office, and in such manner as the said Trustees shall direct, deliver to the Trustees or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Trustees shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such account or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such person as they shall authorize, within *Three* Days after being thereunto required by notice in writing under the hands of any *Three* or more of the said Trustees, to be given to or left at the last place of abode of such Officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Trustees or to such other person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Trustees by such person as they shall authorize for that purpose of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the county or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such Officer before any *Two* Justices of the Peace for such county or jurisdiction; and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer, and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account or the vouchers relating thereto, or such lists as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such Offender to the common Gaol or House of Correction for the county or jurisdiction where such Offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Trustees for such monies, and shall have paid such composition in such manner as they shall appoint (which composition the said Trustees are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Trustees, or to such other person as aforesaid, as the case may be: Provided always, That no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than *Three* calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

10.
Meetings of the Trustees.

And be it Enacted, That the Charitable Trustees at their first meeting under this Act, and also at the first meeting after the annual election of Trustees in every following year, shall determine upon the time and place of holding every ordinary meeting of the Trustees, until and including the first meeting after the annual election of Trustees in the following year, and the times and places so determined upon shall be forthwith made known by the Trustees to the Council of the Borough, who shall publish the same in the Borough in such manner as to the Council shall seem fit: Provided always, That it shall be lawful at any time for the Mayor, or for any *Two* Trustees to require the Secretary to summon an extraordinary meeting of the Trustees, and in every such case the Mayor or Trustees requiring such extraordinary meeting, shall deliver to the Secretary a Statement of the business proposed to be transacted at such extraordinary meeting, and *Three* clear days at least before such meeting, notice of such meeting signed by the Secretary specifying the time and place of the meeting and the business proposed to be transacted shall be left at the usual place of abode of every Trustee, or at the premises in respect of which he is enrolled a Burgess, and at the Town Clerk's office, and no business shall be transacted at such meeting other than is specified in the notice.

11.
Majority of Trustees may act.

And be it Enacted, That all acts of the Charitable Trustees appointed under this Act in execution of their trusts, shall be done at some meeting at which not less than *One-half* of the whole number of Trustees shall be present, and a *majority* of those present shall concur in such Acts, otherwise they shall be void and of none effect: Provided always, That the Mayor shall preside at every meeting at which he shall be present; and in case of his not being present at any meeting, the Trustees present shall choose a Chairman; and in case of equality of votes, the Mayor or Chairman for the time being shall have a second or casting vote; and all the resolutions and minutes of all the proceedings of the said Trustees shall be entered in a book to be kept by the Secretary to the Trustees for the time being; and the said book shall be open at all reasonable times, without fee, to the inspection of the Council of the Borough, or of any Committee of the Council appointed for that purpose: Provided nevertheless, That no act, resolution or proceeding of the said Trustees, in the execution of their trust, shall require or be submitted for approval or confirmation to the Council.

12.
Treasurer to pay Money only to order of Trustees.

And be it Enacted, That the Treasurer to the said Trustees shall pay no Money on account of the said charitable uses or trusts, or any of them, but upon an order of the said Trustees in writing, signed by *Three* or more of the said Trustees at the meeting at which such order shall have been made and countersigned by the Secretary to the said Trustees.

13.
Accounts of Receipts and Disbursements to be kept, audited and published.

And be it Enacted, That the Treasurer of the Charitable Trustees of every Borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid; and the books containing the accounts shall, at all reasonable times, be open without fee to the inspection of the Council or of any Committee of the Council appointed to inspect them; and all the accounts, with all vouchers and papers relating thereto, shall in the months of *March* and *September* in every year be submitted by the Treasurer of the Charitable Trustees to the Auditors of the Borough, who shall examine and audit the same from the *First* day of *September* in the year preceding to the *First* day of *March*, and from the *First* day of *March* to the *First* day of *September* in the year in which the said Auditors were elected and named; and if the said accounts shall be found to be correct, the Auditors shall sign the same; and after such accounts shall have been so respectively examined and audited in the month of *September* in every year, the said Treasurer shall make out in writing and deliver to the Council a full Abstract of his accounts for the year, which shall be signed by the Auditors, if found by them to be correct; and the Council shall cause such Abstract to be printed at the expense of the Mayor, Aldermen and Burgesses of the Borough, and copies thereof shall be delivered to all Burgesses of such Borough applying for the same, on payment of a reasonable price for each copy.

5 2/12
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Charitable Trustees.

A

BILL

For the Election of Charitable Trustees in
certain Boroughs.

(Prepared and brought in by
Mr. Vernon Smith, Lord John Russell and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
7 *June* 1836.

307.

1 *July* 1836.—7 WILL. IV.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For the Election of Charitable Trustees in certain Boroughs.

[N. B.—*The Clause marked* (A.) *was added by the Committee.*

Preamble:

5 & 6 W. 4. c. 76. s. 71.

WHEREAS by an Act passed in the last Session of Parliament, intituled, " An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*," it was among other things provided, that in every Borough named in certain Schedules (A.) and (B.) to the said Act annexed, in which the body corporate named in the said Schedules, or any one or more of the members of such body corporate, in his or their corporate capacity, then stood solely or together with any person or persons elected solely by such body corporate, or solely by any particular number, class or description of members of such body corporate, seised or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, should continue in the persons who at the time of the passing of that Act were such Trustees as aforesaid, notwithstanding that they might have ceased to hold any office by virtue of which before the passing of that Act they were such Trustees, until the First day of August One thousand eight hundred and Thirty-six, or until Parliament should otherwise order, and should immediately thereupon utterly cease and determine: Provided always, That if any vacancy should be occasioned among the Charitable Trustees for any Borough before the said First day of August, it should be lawful for the Lord High Chancellor, or Lords Commissioners of the Great Seal for the time being, upon petition, in a summary way, to appoint another Trustee to supply such vacancy; and that every person so appointed a Trustee as last aforesaid should be a Trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a Trustee, and that he should then cease to be a Trustee: Provided also, That if Parliament should not otherwise direct, on or before the said First day of August One thousand eight hundred and Thirty-six, the Lord High Chancellor or Lords Commissioners of the Great Seal should make such Orders as he or they should see fit for the administration, subject to such charitable uses or trusts as aforesaid, of such trust estates;

1. Present Charitable Trustees continued until Election of Trustees under this Act.

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said hereditaments, sums of money, chattels, securities for money, and other personal estate, shall continue in the persons who at the time of the passing of this Act are seised or possessed thereof as such trustees, and in the trustee or trustees appointed to supply any vacancy by the Lord High Chancellor or Lords Commissioners of the Great Seal of the time being in the manner provided by the recited Act until the first election of trustees under this Act.

2. Council to determine the number of Charitable Trustees in each Borough.

And be it Enacted, That the Council of every such Borough, at a meeting to be specially called for that purpose on or before the First day of October in this year, shall determine upon a fit number of persons to be elected in the manner hereinafter mentioned, Charitable Trustees of the said Borough, such number to be either Six, Twelve or Eighteen, and the Council shall also determine the time and place of the first meeting of the Trustees, and the Mayor shall forthwith publish the number, time, and place determined upon by causing a notification thereof to be fixed on the outer door of the Town Hall, or in some public and conspicuous situation in the Borough.

3. Burgesses to elect the Charitable Trustees from the Councillors, or persons qualified to be Councillors.

And be it Enacted, That on the First day of November in this and every succeeding year, the Burgesses of every such Borough shall openly assemble, or in case of Boroughs divided into Wards, shall openly assemble in their respective Wards, and shall elect, in manner hereinafter mentioned, as Trustees, the number of persons so determined upon as aforesaid by the Council, or such part of them as shall be needed, to supply the places of those who shall then go out of the trust, pursuant to the provisions hereinafter contained; and every such election shall be in form and manner as provided in the said Act for the election of Councillors: Provided always, That no person shall be eligible as such Trustee unless he be qualified to be a Councillor of such Borough, or unless he be only disqualified from being such Councillor by reason of his being in holy orders, or being the regular Minister of some dissenting congregation: Provided also, That no Burgess shall vote at any such election for more than Half the number of Trustees then to be elected; and that in Boroughs divided into Wards, the person presiding in each Ward shall, at the close of the poll, deliver to the Mayor an account of the poll taken in his Ward, and the Mayor shall add together the votes given for each person in every Ward, and shall declare the election accordingly.

4. Charitable Trustees to be a Body Corporate, of which the Mayor to be head.

And be it Enacted, That the persons so elected, and their successors, shall be, with the Mayor of the Borough for the time being, the Charitable Trustees of such Borough, and shall stand seised and possessed of all hereditaments, monies, chattels, securities for money and other personal estate, of which the persons who were Trustees thereof at the time of the passing of the said Act were by virtue of the said Act to continue seised or possessed until the said First day of August, or until Parliament should otherwise order, for such uses and trusts respectively as they were subject to before the passing of the said Act, and shall have all the estate, right, interest, title, powers and liabilities heretofore vested in or belonging to such persons as last aforesaid; and all the estate, right, interest and title, and all the powers of such persons as last aforesaid in respect of the said uses and trusts, shall continue in each Borough in the persons in whom they were appointed to continue as aforesaid by the said Act, until the first election of Charitable Trustees in such Borough under this Act, and shall immediately thereupon cease and determine; and all the estate, right, interest, title and powers of the Charitable Trustees of any Borough shall from time to time be transferred to and vest in the persons who shall be the Trustees for the time being under the provisions of this Act, without any conveyance or assignment of the same.

5. Trustees to go out of the Trust by rotation in Three Years.

And be it Enacted, That upon the First day of November One thousand eight hundred and Thirty-seven, and in every succeeding year, One-third part of the whole number of Charitable Trustees (with the exception of the Mayor) in every Borough shall go out of the trust by rotation; and in the year One thousand eight hundred and Thirty-seven, those who shall go out of the trust shall be those who were elected by the smallest numbers of votes on the said First day of November in this year; and in the year One thousand eight hundred and Thirty-eight, those who shall so go out of the trust shall be those who were elected by the next smallest numbers of votes on the said First day of November in this year, the Council determining, when the votes for any such persons shall have been equal, or there shall be no contest, who shall be the persons so to go out of the trust; and thereafter those who shall so go out of the trust shall always be the Trustees who have been for the longest time in the trust without re-election: Provided always, That any person so ceasing to be a Trustee shall be capable of being forthwith re-elected: Provided also, That any person shall cease to be a Trustee who, if he were a Councillor, would in the like case become disqualified to be a Councillor, except as hereinbefore excepted, but may be re-elected on ceasing to be so disqualified: Provided also, That if any vacancy shall be occasioned among the Charitable Trustees for any Borough at any time other than those hereinbefore provided for the election of such Trustees, the Council shall, within Ten Days next after the vacancy has happened, elect another Trustee from the persons qualified to be Trustees to supply such vacancy; and every person so elected a Trustee as last aforesaid shall be a Trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee, but shall be capable of immediate re-election: Provided also, That if any day herein appointed for an election shall happen on a Sunday, such election shall be on the Monday following.

6.
Clause (A.)
Charitable Trustees to appoint a Secretary.

And be it Enacted, That the Charitable Trustees of any Borough, or the greater part of them, shall have power, and are hereby required, by an instrument in writing under their hands and seals, to appoint a fit person, to be removable at their pleasure, who shall be called the Secretary to the Charitable Trustees of the Borough, Town or City where he shall be appointed; and every such Secretary may sue and be sued in his own name on behalf of the said Trustees without naming them, and may recover the trust monies, lands and tenements belonging to the said Trustees, either at law or in equity; and all suits now pending against any Charitable Trustees, or against any Body Corporate in respect of any trust within the provisions of this Act, may be continued and carried on in the name of the Secretary to the Charitable Trustees without naming them, or in the name of one of the said Trustees, without naming the others, or other of them: Provided always, That no such Secretary or Trustee so made defendant in any suit or action on behalf of the Trustees shall be arrested on mesne process, nor shall execution issue against him, or against his lands, goods and chattels; and in every such suit or action the Trustees shall pay all costs which the defendant shall be adjudged to pay, subject to such order, as to reimbursement out of the trust estate or otherwise, as may be made by any Court of Equity.

And

7.

Money to the Credit of Trustees to be transferred.

Existing Contracts, Debts, &c. to be enforced and recovered.

Suits pending to be carried on.

And be it Enacted, That all Monies which shall be in any Bank or in the hands of any Treasurer or other person, placed to the credit of any account under the control of any persons so ceasing to act as Trustees for any charitable uses or trusts as aforesaid, shall, immediately upon the first election of the Charitable Trustees, in any Borough under this Act, be transferred to a like account under their control; and all conveyances, contracts, securities and debts made, entered into or contracted by, to or with any person or body corporate as Trustees of the said charitable estates and premises, shall, immediately upon the first election of the Charitable Trustees under this Act, be of the same force and with the like powers and remedies against and for the benefit of the said Charitable Trustees under this Act, as the same would have been against and for the benefit of the person or body corporate by, to or with whom or which the same were made, entered into and contracted; and for the purpose of prosecuting and defending any suits pending at the time of the passing of this Act, the Charitable Trustees under this Act shall come in the place of and be deemed and taken to be the successors of the persons ceasing to act as such Trustees as aforesaid; and all such suits shall be prosecuted and defended in the name of the Secretary to the Charitable Trustees of such Borough; provided that nothing herein contained shall extend to discharge any person or body corporate who as such Trustee has incurred any liability in respect of any breach of trust from such liability, or to impose such liability on the new Trustees or on the charity or trust estate.

8.

Estates belonging to the Borough charged with a fixed sum, to be vested in the Mayor, Aldermen and Burgesses.

And be it Enacted, That in every case in which the hereditaments or personal estate, of which the Charitable Trustees of any of the said Boroughs now stand seised or possessed, are chargeable for the purposes of the trust with a fixed sum or with a charge wholly satisfied by less than the whole of the rents and profits of the real estate or of the interest and dividends of the personal estate of which they are so seised or possessed, the whole estate, right, interest, title, powers and liabilities of the said Trustees in the said hereditaments and personal estate shall immediately after the passing of this Act be vested in the Mayor, Aldermen and Burgesses of the Borough, subject in the first instance to the charge created for the purposes of the trust, and amount of such charge shall be accounted for by the said Mayor, Aldermen and Burgesses, and paid by the Treasurer of the Borough to such person as a majority of the Trustees under this Act shall appoint under their hands and seals to receive the same, and shall be paid over to such person at such time or times as the disbursements have usually been made for the purposes of the trust, and the receipt of such person shall be a good discharge to the Treasurer, and to the said Mayor, Aldermen and Burgesses; neither shall the said Mayor, Aldermen and Burgesses, nor the Treasurer of the Borough be bound to see to the due application of the said charge; and, subject to the said charge, the rents and profits, interest and dividends of the said hereditaments and personal estate shall be carried to the credit of the Borough fund.

9.
Trustees to appoint a Treasurer.

And be it Enacted, That the Charitable Trustees in every Borough in which such Trustees shall be elected under this Act, shall appoint in every year, to be removable at their pleasure, one fit person to be their Treasurer, and such Clerks, Officers and Collectors as they shall think necessary for administering their respective trusts, and shall take such security for the due execution of his office, by any Treasurer, Secretary, Clerk, Collector or other Officer, as they shall from time to time direct, and shall order to be paid by them out of the trust funds such salaries as they shall think reasonable: Provided, That no person, being an Alderman or Councillor, or Charitable Trustee, or Town Clerk or Treasurer of any Borough shall be qualified to be Treasurer or Secretary to the Charitable Trustees of such Borough: Provided also, That the Treasurer and the Secretary to the said Trustees shall not be the same person.

10.
Summary remedy against Officers not accounting.

And be it Enacted, That every Treasurer, Secretary, Clerk, Collector, or other Officer appointed by the said Trustees as aforesaid, shall at such times during the continuance of his office, or within Three Months after the expiration of his office, and in such manner as the said Trustees shall direct, deliver to the Trustees or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Trustees shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such account or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such person as they shall authorize, within Three Days after being thereunto required by notice in writing under the hands of any Three or more of the said Trustees, to be given to or left at the last place of abode of such Officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Trustees or to such other person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Trustees by such person as they shall authorize for that purpose of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the county or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such Officer before any Two Justices of the Peace for such county or jurisdiction; and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer, and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account or the vouchers relating thereto, or such lists as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such Offender to the common Gaol or House of Correction for the county or jurisdiction where such Offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Trustees for such monies, and shall have paid such composition in such manner as they shall appoint (which composition the said Trustees are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Trustees, or to such other person as aforesaid, as the case may be: Provided always, That no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than Three calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

11.
Meetings of the Trustees.

And be it Enacted, That the Charitable Trustees at their first meeting under this Act, and also at the first meeting after the annual election of Trustees in every following year, shall determine upon the time and place of holding every ordinary meeting of the Trustees, until and including the first meeting after the annual election of Trustees in the following year, and the times and places so determined upon shall be forthwith made known by the Trustees to the Council of the Borough, who shall publish the same in the

Borough in such manner as to the Council shall seem fit: Provided always, That it shall be lawful at any time for the Mayor, or for any Two Trustees to require the Secretary to summon an extraordinary meeting of the Trustees, and in every such case the Mayor or Trustees requiring such extraordinary meeting, shall deliver to the Secretary a Statement of the business proposed to be transacted at such extraordinary meeting, and Three clear days at least before such meeting, notice of such meeting signed by the Secretary specifying the time and place of the meeting and the business proposed to be transacted shall be left at the usual place of abode of every Trustee, or at the premises in respect of which he is enrolled a Burgess, and at the Town Clerk's office, and no business shall be transacted at such meeting other than is specified in the notice.

12.
Majority of Trustees may act.

And be it Enacted, That all acts of the Charitable Trustees appointed under this Act in execution of their trusts, shall be done at some meeting at which not less than One-half of the whole number of Trustees shall be present, and a majority of those present shall concur in such acts, in which case they shall be binding, and otherwise they shall be void and of none effect: Provided always, That the Mayor shall preside at every meeting at which he shall be present; and in case of his not being present at any meeting, the Trustees present shall choose a Chairman; and in case of equality of votes, the Mayor or Chairman for the time being shall have a second or casting vote; and all the resolutions and minutes of all the proceedings of the said Trustees shall be entered in a book to be kept by the Secretary to the Trustees for the time being; and the said book shall be open at all reasonable times, without fee, to the inspection of the Council, or any Alderman or Councillor of the Borough, or of any Committee of the Council appointed for that purpose: Provided nevertheless, That no act, resolution or proceeding of the said Trustees, in the execution of their trust, shall require or be submitted for approval or confirmation to the Council.

13.
Treasurer to pay Money only to order of Trustees.

And be it Enacted, That the Treasurer to the said Trustees shall pay no Money on account of the said charitable uses or trusts, or any of them, but upon an order of the said Trustees in writing, signed by Three or more of the said Trustees at the meeting at which such order shall have been made and countersigned by the Secretary to the said Trustees.

14.
Accounts of Receipts and Disbursements to be kept, audited and published.

And be it Enacted, That the Treasurer of the Charitable Trustees of every Borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid; and the books containing the accounts shall, at all reasonable times, be open without fee to the inspection of the Council or of any Committee of the Council appointed to inspect them, or any Alderman or Councillor; and all the accounts, with all vouchers and papers relating thereto, shall in the months of March and September in every year be submitted by the Treasurer of the Charitable Trustees to the Auditors of the Borough, who shall examine and audit the same from the First day of September in the year preceding to the First day of March, and from the First day of March to the First day of September in the year in which the said Auditors were elected and named; and if the said accounts shall be found to be correct, the Auditors shall sign the same; and after such accounts shall have been so respectively examined and audited in the month of September in every year, the said Treasurer shall make out in writing and deliver to the Council a full Abstract of his accounts for the year, which shall be signed by the Auditors, if found by them to be correct; and the Council shall cause such Abstract to be printed at the expense of the Mayor, Aldermen and Burgesses of the Borough, and copies thereof shall be delivered to all Burgesses of such Borough applying for the same, on payment of a reasonable price for each copy.

Charitable Trustees.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Election of Charitable Trustees in certain Boroughs.

(Prepared and brought in by
Mr. Vernon Smith, Lord John Russell and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1836.

401.

20 *May* 1836.—6 Will. IV.

A

B I L L

For carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Recital of Commissioners and Reports.

WHEREAS His Majesty was pleased, on the Fourth day of February, and on the Sixth day of June, in the year One thousand eight hundred and Thirty-five, to issue two several Commissions to certain Persons therein respectively named, directing them to consider the state of the several Dioceses in England and Wales, with reference to the amount of their Revenues, and more equal distribution of Episcopal Duties, and the prevention of the necessity of attaching by Commendam to Bishopricks, Benefices with cure of souls, and to consider also the state of the several Cathedral and Collegiate Churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church, and to devise the best mode of providing for the Cure of Souls, with special reference to the residence of the Clergy on their respective Benefices:

And whereas the said Commissioners have, in pursuance of such directions, made three several Reports to His Majesty, bearing date respectively the Seventeenth day of March One thousand eight hundred and Thirty-five, and the Fourth day of March and Twentieth day of May One thousand eight hundred and Thirty-six:

And whereas the said Commissioners have in their said Reports, amongst other things, recommended that Commissioners be appointed by Parliament for the purpose of preparing and laying before His Majesty in Council such schemes as shall appear to them to be best adapted for carrying into effect the following recommendations; and that His Majesty in Council be empowered to make orders, ratifying such schemes, and having the full force of law; and that the Diocese of Canterbury consist of the County of Kent (except the City and Deanery of Rochester, and those Parishes which it is proposed to include in the Diocese of London) and of the Parishes of Croydon and Addington, and the District of Lambeth Palace, in the County of Surrey; and that the Diocese of London consist of the City of London and the County of Middlesex, of the Parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead, Saint Mary Woodford, and Chingford, in the County of Essex, all in the present Diocese of London; of the Parishes of Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, and Saint Nicholas Deptford, in the County of Kent, and Saint Paul Deptford, in the Counties of Kent and Surrey, all now in the Diocese of Rochester; of the Borough of Southwark, and the Parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting, Graveney, Wandsworth, Merton, Kew, and Richmond, in the County of Surrey, and present Diocese of Winchester; and of the Parishes of Saint Mary Newington, Barnes, Putney, Mortlake, and Wimbledon, in the County of Surrey, and in the peculiar Jurisdiction of the Archbishop of Canterbury, together with all extra-parochial Places locally situate within the Limits of the Parishes above enumerated, except the District of Lambeth Palace; and that the Diocese of Winchester be diminished by the transfer of the Parish of Addington to the Diocese of Canterbury, and of the before-mentioned Parishes to the Diocese of London; and that the whole of the Parish of Bedminster be transferred from the Diocese of Bath and Wells to the Diocese of Gloucester and Bristol; and that the City and Deanery of Bristol be united to the Diocese of Gloucester; and that the Southern part of the Diocese of Bristol, consisting of the County of Dorset, be transferred to the Diocese of Salisbury; and that the Diocese of Ely be increased by the Counties of Huntingdon and Bedford, now in the Diocese of Lincoln, by the Deaneries of Lynn and Fincham in the County of Norfolk and Diocese of Norwich, and by the Archdeaconry of Sudbury, in the County of Suffolk and Diocese of Norwich, with the exception of the Deaneries of Sudbury, Stow and Hartismere, and by that part of the County of Cambridge which is now in the Diocese of Norwich; and that it be declared that the Scilly Islands are within the jurisdiction of the Bishop of Exeter, and of the Archdeacon of Cornwall; and that the Sees of Gloucester and Bristol be united, and that the Diocese consist of the present Diocese of Gloucester, of the City and

Deanery of Bristol, of the Deaneries of Cricklade and Malmesbury, in the County of Wilts, and now in the Diocese of Salisbury, and of the whole of the Parish of Bedminster, now in the Diocese of Bath and Wells; and that to the Diocese of Hereford be added the Deanery of Bridgnorth, now locally situated between the Dioceses of Hereford and Lichfield; and that those parts of the Counties of Worcester and Montgomery which are now in the Diocese of Hereford be transferred to the Dioceses of Worcester and Saint Asaph and Bangor respectively; and that the Diocese of Lichfield consist of the Counties of Stafford and Derby; and that the Diocese of Lincoln consist of the Counties of Lincoln and Nottingham; and that the latter County, now in the Diocese and Province of York, be included in the Province of Canterbury; and that the Diocese of Norwich consist of the Counties of Norfolk and Suffolk, except those parts which it is proposed to transfer to the Diocese of Ely; and that the Diocese of Oxford be increased by the County of Buckingham, now in the Diocese of Lincoln, and by the County of Berks, now in the Diocese of Salisbury; and that the Diocese of Peterborough be increased by the County of Leicester now in the Diocese of Lincoln; and that the Diocese of Rochester consist of the City and Deanery of Rochester, of the County of Essex (excepting the Parishes which it is proposed to leave in the Diocese of London,) and of the whole County of Hertford; and that to the Diocese of Salisbury, reduced according to the foregoing propositions, be added the County of Dorset now in the Diocese of Bristol; and that the Diocese of Worcester consist of the whole Counties of Worcester and Warwick; and that the Sees of Saint Asaph and Bangor be united; and that the Diocese consist of the whole of the two existing Dioceses (except that part of the Diocese of Saint Asaph which is in the County of Salop,) and of those parts of the County of Montgomery which are now in the Dioceses of Saint David's and Hereford; and that the Diocese of Llandaff consist of the whole Counties of Glamorgan and Monmouth; and that the Diocese of Saint David's be altered by the transfer of those parts of the Counties of Montgomery, Glamorgan and Monmouth which it is proposed to include in the respective Dioceses of Saint Asaph and Bangor and Llandaff; and that the Diocese of York consist of the County of York, except such parts thereof as it is proposed to include in the new Diocese of Ripon; and that the Diocese of Durham be increased by that part of the County of Northumberland called Hexhamshire, which is now in the Diocese of York; and that the Sees of Carlisle and Sodor and Man be united, and that the Diocese consist of the present Diocese of Carlisle, of those parts of Cumberland and Westmorland which are now in the Diocese of Chester, of the Deanery of Furnes and Cartmel, in the County of Lancaster, of the Parish of Aldeston, now in the Diocese of Durham, and of the Isle of Man; and that the Diocese of

Chester consist of the Counties of Chester and Flint, and of so much of the County of Salop as is not in the Diocese of Hereford, and that the whole Diocese be included in the Province of York, and that two new Sees be erected in the Province of York, one at Manchester and the other at Ripon; and that the Diocese of Manchester consist of the whole County of Lancaster, except the Deanery of Furnes and Cartmel; and that the Diocese of Ripon consist of that part of the County of York which is now in the Diocese of Chester, of the Deanery of Craven, and of such parts of the Deaneries of the Ainsty and Pontefract, in the County and Diocese of York, as lie to the westward of the following Districts; videlicet, the Liberty of the Ainsty and the Wapentakes of Barkston Ash, Osgoldcross and Staincross; and that all Parishes which are locally situate in one Diocese, but under the jurisdiction of the Bishop of another Diocese, be made subject to the jurisdiction of the Bishop of the Diocese within which they are locally situate; and that such variations be made in the proposed Boundaries of the different Dioceses as may appear advisable, after more precise information respecting the circumstances of particular Parishes or Districts; and that the Bishops of the two newly erected Sees be made bodies corporate, and be invested with all the same rights and privileges as are now possessed by the other Bishops of England and Wales; and that they be made subject to the Metropolitan Jurisdiction of the Archbishop of York, and that the Collegiate Churches of Manchester and Ripon be made the Cathedrals, and that the Chapters thereof be the Chapters of the respective Sees of Manchester and Ripon, and be invested with all the rights and powers of other Cathedral Chapters; and that the Members of these and of all other Cathedral Churches in England be styled Dean and Canons; that the Chapter of Carlisle be the Chapter of the united See of Carlisle and Man; that the Bishops of the See of Saint Asaph and Bangor be elected alternately by the Dean and Chapter of Saint Asaph and by the Dean and Chapter of Bangor; that the Bishops of the See of Bristol and Gloucester be elected alternately by the Dean and Chapter of Bristol and by the Dean and Chapter of Gloucester; that power be given to determine the future mode of confirming such acts of the Bishop of either of the united Sees as may require confirmation by a Dean and Chapter; and that upon the first avoidance of either of the Sees of Saint Asaph or Bangor and of Gloucester or Bristol, the Bishop of the other of the Sees proposed to be united, become, ipso facto, Bishop of the two Sees, and thereupon become seised and possessed of all the property, advowsons and patronage belonging to the See so avoided; and that the Jurisdiction of the Bishop's Court in each Diocese be co-extensive with the limits of the Diocese as newly arranged; and that such arrangements be made with regard to the apportionment of fees payable to the officers of the several Diocesan Courts, as may be deemed just and equitable, for the purpose of making compensation to those officers who may be prejudiced by the proposed alterations; and that such

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alterations be made in the apportionment or exchange of Ecclesiastical Patronage among the several Bishops as shall be consistent with the relative magnitude and importance of their Dioceses when newly arranged, and as shall afford an adequate quantity of patronage to the Bishops of the new Sees; and, that in order to provide for the augmentation of the incomes of the smaller Bishopricks, such fixed annual sums be paid to the Commissioners, out of the Revenues of the larger Sees respectively, as shall upon due inquiry and consideration be determined on, so as to leave as an average annual income to the Archbishop of Canterbury Fifteen thousand Pounds, to the Archbishop of York Ten thousand Pounds, to the Bishop of London Ten thousand Pounds, to the Bishop of Durham Eight thousand Pounds, to the Bishop of Winchester Seven thousand Pounds, to the Bishop of Ely Five thousand Five hundred Pounds, to the Bishop of St. Asaph and Bangor Five thousand Two hundred Pounds, and to the Bishop of Worcester and Bath and Wells respectively Five thousand Pounds; and that out of the fund thus accruing, fixed annual payments be made by the Commissioners, in such instances and to such amount as shall be in like manner determined on, so that the average Annual Incomes of the other Bishops respectively be not less than Four thousand Pounds, nor more than Five thousand Pounds, and that at the expiration of every Seven Years, reckoning from the First day of January One thousand eight hundred and Thirty-seven, a new Return of the Revenues of all the Bishopricks be made to the Commissioners; and that thereupon the scale of episcopal payments and receipts be revised, so as to preserve, as nearly as may be, to each Bishop, an amount of income equivalent to that which shall have been determined, in the first instance, to be suitable to the circumstances of his Bishoprick; and that such revised Scale take effect, as to each See respectively, upon the then next avoidance thereof; and that if, in determining the mode of regulating the Episcopal Incomes, either in the first instance or on any future revision of them, it shall be deemed expedient to make the alteration required, in any case, by the subtraction or addition of any real Estates, such real Estates be transferred accordingly; and that out of the property of the See of Durham provision be forthwith made for the completion of those augmentations of poor Benefices which the late Bishop had agreed to grant, but which he left uncompleted at the time of his death; and that the Bishop of Durham do in future hold the Castle of Durham in trust for the University of Durham; and that all expenses of maintaining and repairing the same be defrayed by the University of Durham, and that so soon as the relative values of the several Sees, under the new arrangements, shall have been ascertained, apportionment be made of the sums to be thereafter paid by the respective Bishops for First Fruits, so as to leave the aggregate amount payable from all the Sees to the Bounty of Queen Anne the same as at present; and that the Bishops who shall, on the present vacancies succeed to the Sees of Durham and Ely, be relieved from the excess, beyond their due proportion, payable for First Fruits; and that the residue of the sums due be paid by the Commissioners out of the surplus funds arising from those Sees; and that the Tenths, to be hereafter payable by the respective Bishops, be regulated by the amount of the First Fruits payable under the preceding propositions; and that none of the proposed alterations affecting the boundaries or jurisdiction of any Diocese, or the patronage of Benefices with cure of souls, or the Revenues belonging to any See, the Bishop of which was in possession on the Fourth day of March One thousand eight hundred and Thirty-six, take effect until the avoidance of the See, without the consent of such Bishop; and that no Ecclesiastical Dignity, Office or Benefice be in future granted to any Bishop to be held in Commendam, but that such of the endowments of certain Prebends in the Cathedrals of Lincoln, Lichfield, Exeter and Salisbury, as now belong to the Bishops of the respective Dioceses, continue annexed to the respective Sees; and that fit residences be provided for the Bishops of Lincoln, Llandaff, Rochester, Manchester and Ripon; and that for the purpose of providing the Bishop of any Diocese with a more suitable and convenient residence than that which now belongs to his See, sanction be given for purchases or exchanges of houses or lands, or for the sale of lands belonging to the respective Sees, and also, where it may be necessary for the borrowing, by any Bishop, of a sum not exceeding Two Years' income of his See, upon such terms as shall appear to be fit and proper; and that the Governors of the Bounty of Queen ANNE be empowered to lend money upon mortgage to such Bishops; and that so much of the sum of Six thousand Pounds recovered by the late Bishop of Bristol for damages done to the Episcopal Residence at Bristol, and of its accumulations, as may remain after deducting proper expenses, together with the money arising from the sale of the site of such residence, if sold, be applied to the purchase or erection of a residence for the Bishop of the See of Bristol and Gloucester; and that new Archdeaconries of Bristol, Maidstone, Monmouth, Westmorland, Manchester, Lancaster and Craven be created, and that districts be assigned to them; and that Archidiaconal power be given to the Dean of Rochester within that part of Kent which will remain in the Diocese of Rochester; and that the limits of the other existing Deaneries and Archdeaconries be newly arranged, so that every Parish and extra-parochial place be within a rural Deanery, and every Deanery within an Archdeaconry; and that no Archdeaconry extend beyond the limits of one Diocese; and that all the Archdeaconries of England and Wales be in the gift of the Bishops of the respective Dioceses in which they are situate; and that all Archdeacons have and exercise full and equal jurisdiction within their respective Archdeaconries;

And whereas it is expedient that the said recommendations should be carried into effect as soon as conveniently may be; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Lord Archbishop of Canterbury for the time being, the Lord Archbishop of York, and the Lord Bishop of London for the time being, John, Lord Bishop of Lincoln, James Henry, Lord Bishop of Gloucester, the Lord High Chancellor of Great Britain, the Lord President of the Council, the Lord High Treasurer, or the First Lord of the Treasury, and the Chancellor of the Exchequer for the time being respectively, and such one of His Majesty's Principal Secretaries of State as shall be for that purpose nominated by His Majesty under His Royal Sign Manual (such Lord Chancellor, Lord President, Lord High Treasurer or First Lord of the Treasury, Chancellor of the Exchequer and Secretary of State, being respectively Members of the United Church of Great Britain and Ireland,) the Right honourable Dudley Earl of Harrowby, the Right honourable Henry Hobhouse, and the Right honourable Sir Herbert Jenner, Knight, shall, for the purposes of this Act, be one body politic and corporate, by the name of "THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND;" and by that name shall have perpetual succession, and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase, and hold lands, tenements and hereditaments to them, their successors and assigns, for the purposes of this Act; the Statutes of Mortmain or any other Act or Acts to the contrary hereof notwithstanding.

1.
Commissioners to be appointed,

and incorporated.

And be it Enacted, That when any Vacancy shall occur by death, resignation or otherwise among the two last-named Bishops and the three last-named Lay Commissioners, or among such of the future Commissioners under this Act as shall not have become such Commissioners by virtue of any dignity or office, according to the provisions of this Act, it shall be lawful for His Majesty to fill up such vacancy by appointing under His Royal Sign Manual, instead of any such Commissioner being a Bishop, some other Bishop of England or Wales, and instead of any such Commissioner being a Layman, some other Layman, being a Member of the said Church, to be a Commissioner under this Act; and every such Bishop or Person so to be appointed, shall accordingly become to all intents and purposes one of the Commissioners for the purposes of this Act.

2.
How Vacancies to be supplied.

And be it Enacted, That every such Commissioner, whether herein named or hereafter to be appointed, not being an Archbishop or Bishop, shall, before acting under the said Commission, and at the

3.
Commissioners to subscribe a Declaration.

first Meeting he shall attend, subscribe in the Book of the Minutes of the Proceedings of the said Commissioners, a Declaration in the words following:

> "I do hereby solemnly, and in the presence of God, testify and declare, That I am a Member of the United Church of England and Ireland as by law established. Witness my hand, this day of ."

4.
Five Commissioners to form a Quorum.

And be it Enacted, That all acts, matters and things which the said Commissioners are by any of the provisions of this Act authorized or required to do and perform, shall and may be done and performed by any *Five* of such Commissioners: Provided always, That such *Five* Commissioners be for such purpose assembled at a meeting, whereof due notice shall have been given to all the said Commissioners.

5.
Episcopal Commissioners essential to Acts under Seal, &c.

Provided always, and be it Enacted, That no proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded, nor the said Seal affixed to any Deed or Instrument, save at a meeting whereof notice shall have been in like manner given, and whereat *Two* at least of the said Episcopal Commissioners shall be personally present: Provided also, That in case any *Two* Episcopal Commissioners, being the only Episcopal Commissioners present, shall object to the ratification and confirmation of any such proceeding as aforesaid, or to the affixing of such Seal to any Deed or Instrument as aforesaid, such ratification or affixing of the Seal shall not take place until a subsequent meeting of the Commissioners shall have been held, after due notice thereof shall have been given.

6.
Who to be Chairman.

And be it Enacted, That at each Meeting of the said Commissioners, the Commissioner first in rank and precedence there present shall preside as Chairman, and in case of the equality in rank and precedence of all the Commissioners so present, then the senior Commissioner in the order of appointment shall so preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but shall also, in case of the equality of votes, have the casting or decisive vote.

7.
Commissioners to appoint Treasurer, Secretary and other Officers.

And be it Enacted, That the said Commissioners may from time to time appoint a Treasurer and Secretary, and such Clerks, Messengers and Officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, may remove such Treasurer, Secretary, Clerks, Messengers and Officers, or any of them, and appoint others in their stead: Provided always, That the amount of the Salaries of such Treasurer, Secretary, Clerks, Messengers and Officers, shall from time to time be regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any *Three* or more of them.

8.
Secretary to make and keep Minutes.

And be it further Enacted, That the Secretary or other Officer of the said Commissioners, shall keep a Book, in which he shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and enter the names of the Commissioners present thereat; and such entry of the proceedings at each Meeting shall be signed by the Chairman thereof.

9.
Commissioners may call and examine Witnesses, and administer Oath or Declaration.

And be it Enacted, That it shall be lawful for the said Commissioners, by summons under the hand of the Chairman of any such Meeting, to require the attendance of any person whom they shall think fit to examine, touching any matter within their cognizance, also to make any inquiries, and call for any answers or returns as to any such matter, and also to administer Oaths, and examine every such person upon Oath, and to cause to be produced before them, upon Oath, all statutes, charters, grants, rules, regulations, bye-laws, books, deeds, contracts, agreements, accounts, and writings whatsoever, or copies thereof respectively, in anywise relating to any such matter; or in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of his examination.

10.
Commissioners to lay Schemes before King in Council for carrying into effect Recommendations.

And be it Enacted, That the said Commissioners shall from time to time prepare and lay before His Majesty in Council such schemes as shall appear to the said Commissioners to be best adapted for carrying into effect the hereinbefore recited recommendations, and shall in such schemes recommend and propose such measures as may, upon further inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for carrying such recommendations into full and perfect effect: Provided always, That nothing herein contained shall be construed to prevent the said Commissioners from proposing, in any such scheme, such modifications or variations as to matters of detail and regulation, as shall not be substantially repugnant to any or either of the said recommendations.

11.
King in Council may make Orders for carrying Schemes into effect, which shall be registered in each Diocese respectively,

And be it Enacted, That when any such scheme shall be approved by His Majesty in Council, it shall be lawful for His Majesty in Council to issue an order or orders ratifying the same, and specifying the time or times when such scheme, or the several parts thereof, shall take effect, and to direct in every such order that the same be registered by the Registrar of each of the Dioceses, the Bishops whereof may or shall be in any respect affected thereby, and in any newly created Diocese by such person as shall be for that purpose named in such order, which person shall in such last-mentioned Diocese become Registrar there, and so continue as long as he shall demean himself well in his office.

12.
And Gazetted.

And be it Enacted, That every such Order shall, as soon as may be after the making and issuing thereof by His Majesty in Council, be inserted and published in the London Gazette.

13.
And then to be of full effect for all purposes and as to all Persons.

And be it Enacted, That so soon as any such Order in Council shall be so registered and gazetted, it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this Act; any law, statute, canon, letters patent, grant, usage or custom to the contrary notwithstanding.

14.
Copies of Orders to be laid before Parliament.

And be it Enacted, That a copy of every Order of His Majesty in Council, made under this Act, shall be laid before each House of Parliament in the month of *January* in every year, if Parliament shall be then sitting, or if Parliament be not then sitting, within *One* Week after the next meeting thereof.

15.
Registrars to register all Orders subject to a Penalty for neglect.

And be it Enacted, That the Registrar of every Diocese, to whom any Order of His Majesty in Council made by virtue of this Act shall be delivered, shall forthwith register the same in the Registry of his Diocese; and the persons who shall be for that purpose appointed in the Dioceses of Manchester and Ripon, shall forthwith register every such Order in Books to be by them for that purpose provided, which shall thenceforth become the Registry of those Dioceses respectively; and if any such Registrar or other person shall refuse or neglect to register any such Order, he shall for every day during which he shall so offend forfeit   and if his offence shall continue for the space of *Three* Months he shall forfeit his office, and it shall be lawful for the Bishop of the Diocese, or for His Majesty, as the case may be, to appoint a successor thereto.

16.
Fee to Registrar.

And be it Enacted, That for such Registration as aforesaid no Registrar shall be entitled to receive any Fee or Reward; but that on every search for any such Order he shall be entitled to receive a Fee of *Three* Shillings; and for every Copy or Extract of any such Order certified by him, he shall be entitled to receive for every folio of *Ninety* Words   and the Copy of every such Entry, certified by the Registrar, shall be admissible as evidence in all courts and places whatsoever.

17.
No Commendams to be held by Bishops.

And be it Enacted, That after the *passing of this Act* no Ecclesiastical Dignity, Office or Benefice shall be held in Commendam by any Bishop, unless he shall so hold the same at the time of passing thereof; and that every Commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void, to all intents and purposes.

18. Jurisdiction of Archdeacons.

And be it Enacted, That all Archdeacons throughout England and Wales, shall have and exercise full and equal jurisdiction within their respective Archdeaconries, any usage to the contrary notwithstanding.

19. Provisions applicable to Church Commissioners under Municipal Reform Act to apply to Commissioners under this Act.

AND whereas by an Act passed in the fifth and sixth years of His present Majesty, intituled, " An Act to provide for the Regulation of Municipal Corporations in England and Wales," provision was made concerning the sale of certain Ecclesiastical Preferments in the patronage of the several Municipal Corporations therein mentioned, at such time and in such manner as the Commissioners appointed to consider the state of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, should direct; BE it Enacted, That from and after the *passing of this Act*, the provisions in the said recited Act contained which apply to the said Commissioners, shall apply and be held to apply to the Commissioners appointed under this Act, by the style and title of " The Ecclesiastical Commissioners for England."

Established Church.

A

BILL

For carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.

(Prepared and brought in by
Lord John Russell and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1836.

282.

8 *August* 1836.—7 WILL. IV.

Amendments to the Established Church Bill.

AMENDMENTS

Made by the Lords

To the BILL, intituled, AN ACT for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.

[N. B.—The Marginal Notes refer to the Press and Line of the Ingrossment.]

Pr. 1. l. 13. After (and) insert (the)

l. penult. Leave out (Three) and insert (Four)

Pr. 2. l. 3. Leave out the second (and) and insert (the)

l. 4. After (May) insert (and the Twenty-fourth day of June)

Pr. 22. l. penult. After (Recommendations) insert (and in particular that it shall be competent to the said Commissioners to propose in any such Scheme that all Parishes, Churches or Chapelries, which are locally situate in any Diocese, but subject to any peculiar jurisdiction other than the jurisdiction of the Bishop of the Diocese in which the same are locally situate, shall be only subject to the jurisdiction of the Bishop of the Diocese within which such Parishes, Churches or Chapelries are locally situate)

Pr. 23. l. 8. Leave out from (language) to (to) in line 10.

l. 15. Leave out (such), and in the same line after (Scheme) insert (prepared under the authority of this Act)

Pr. 27. l. 8. & l. 9. After (notwithstanding) insert CLAUSES (A.), (B.), (C.), (D.), (E.) and (F.)

CLAUSE (A.) AND whereas it may be expedient to consider the state and jurisdiction of all the Ecclesiastical Courts in *England* and *Wales;* BE it Enacted, That nothing herein contained, nor any Order of His Majesty in Council made under the authority of this Act, either for altering the Limits of either of the existing Provinces, or the Boundaries of any existing Diocese or Archdeaconry, or for uniting any existing Sees, or for creating any new Bishoprick or Archdeaconry, or for appointing any Registrar under the provisions of this Act, or for any other purpose whatever, shall for One Year after the passing of this Act, or, if Parliament shall be then sitting, till the end of the Session of Parliament, in any manner affect or be construed to affect the jurisdiction, power or authority of any or either of the existing Ecclesiastical Courts in *England* or *Wales*, or the extent or limits thereof, but that during such period as last aforesaid, every such Court shall continue in all matters whatsoever arising within its present limits to exercise the same jurisdiction as heretofore by law allowed.

Clause (B.) And be it Enacted, That in all cases of Monitions to reside, and Monitions for the payment of the Stipends of Curates, and of proceedings consequent thereupon, except as hereinafter excepted, and in all cases of Licenses granted to Spiritual Persons, the same shall issue only under the authority and in the name of the Bishop of the Diocese, whether such Diocese be according to the present territorial limits, or as altered or newly created under the authority of this Act: Provided always, That if it be necessary to institute in any Ecclesiastical Court proceedings thereupon, or in consequence thereof, such proceedings shall be commenced, carried on and decided in and by the same Court which at the time of the passing of this Act would be entitled to exercise jurisdiction in such matters respectively; and in the case of proceedings at the instance of a Bishop, in the name of the Judge of such Court: Provided also, That nothing herein contained shall affect any peculiar belonging to either of the Archbishops at the time of the passing of this Act, but that every such Peculiar, except as may be otherwise provided by any Order of His Majesty in Council made and issued in pursuance of this Act, shall to all intents and purposes and in all respects remain subject to the same authority and jurisdiction as if this Act had not been passed.

Clause (C.) And be it Enacted, That nothing herein contained, nor any such Order in Council as aforesaid, shall, during such period as last aforesaid, be construed to alter in any respect whatsoever the Law of Bona Notabilia as it exists at the time of the passing of this Act, notwithstanding any change of Province, Diocese, Archdeaconry or any other jurisdiction whatsoever.

Clause (D.) And be it Enacted, That all Marriage Licenses shall, during such period as last aforesaid, continue to be granted in the same manner and by the same authorities respectively as before the passing of this Act.

Clause (E.) And be it Enacted, That during such period every Ecclesiastical Court in which any proceedings shall be had, shall have power to send for and enforce the production of all original instruments and documents relating to such proceedings, by whatever ecclesiastical authority the same may have been issued.

And

CLAUSE (F.) And be it further Enacted, That in case the office of Judge Registrar or other Officer of any or either of the Ecclesiastical Courts in *England* or *Wales* (except the Prerogative Court of *Canterbury*) shall become vacant during such period as last aforesaid, the person who may be thereunto appointed shall accept and take such office, subject to all regulations and alterations affecting the same which may be hereafter made and provided by or under the authority of Parliament, and shall not by his appointment thereto acquire any vested interest in such office, nor any claim or title to compensation in respect thereof, in case the same shall be hereafter abolished by Parliament.

Amendments to the Established Church Bill.

AMENDMENTS

Made by the Lords

To the **BILL**, intituled, **AN ACT** for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.

Ordered, by The House of Commons, *to be Printed,*
8 *August* 1836.

539.

20 *May* 1836.—6 Will. IV.

A

B I L L

For extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham and Cambridge.

[Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

WHEREAS it is expedient to put an end to the Secular Jurisdiction of the Archbishop of York in the Liberty of Ripon and in the Liberty of Cawood, Wistow and Otley, in the West Riding of the County of York and in the Soke of Southwell in the County of Nottingham, and to the Secular Jurisdiction of the Bishop of Ely in the Isle of Ely, in the County of Cambridge; BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all the Secular Authority of the Archbishop of York in the Liberty of Ripon and in the Liberty of Cawood, Wistow and Otley, in the West Riding of the County of York and in the Soke of Southwell in the County of Nottingham, shall, from and after the *passing of this Act*, cease and determine, and that no new Commission of the Peace shall be henceforth issued for either of the said Liberties or Franchises, but that the Justices of the Peace for the said Riding shall within the said Liberty of Ripon and within the said Liberty of Cawood, Wistow and Otley, and the Justices of the Peace for the said County of Nottingham shall within the Soke of Southwell exercise the same Jurisdiction both in and out of Sessions, as within every other part of such Riding and County respectively, any Charter or custom to the contrary notwithstanding.

1. Secular Jurisdiction of Archbishop of York to cease.

2. Same as to Bishop of Ely.

And be it Enacted, That all the Secular Authority of the Bishop of Ely, in the Isle of Ely in the County of Cambridge, and all Authority of the Chief Justice of Ely heretofore appointed by the Bishop of Ely, shall, from and after the *passing of this Act*, cease and determine, and that the Bishop of Ely shall not henceforth appoint a Chief Justice, and that no new Commission of Oyer and Terminer or Gaol Delivery, or Commission of the Peace, shall be henceforth issued for the said Franchise, but that the Justices of Assize, Oyer and Terminer and Gaol Delivery, and also the Justices of the Peace for the said County of Cambridge, and the Sheriff of the same County, shall, within the said Isle of Ely, exercise the same Jurisdiction both in and out of Sessions, as within every other part of the same County, any Charter or custom to the contrary notwithstanding.

3.
Present Justices of Peace may act.

Provided always, and be it Enacted, That nothing herein contained shall prevent any Justice of the Peace now acting for the said Liberties and Franchises respectively from continuing to act as such as if this Act had not been passed.

4.
Provision as to County Rate.

And be it Enacted, That the County Rate for the Isle of Ely shall remain distinct from that for the rest of the County of Cambridge, and shall be assessed and levied and applied as if the said Isle were a separate County, but in all other respects under the same regulations as are applicable to the Rates of other Counties of England.

5.
Clerk of the Peace.

And be it Enacted, That the present Clerk of the Peace for the said Isle shall continue Clerk of the Peace for the said Isle during his life, or until resignation or other determination of his office, and that thenceforth the Clerk of the Peace for the said County of Cambridge shall become Clerk of the Peace for the whole County, and shall be subject and liable to the same laws in all respects as the Clerks of the Peace in other Counties of England.

6.
Gaols and their Keepers to remain.

And be it Enacted, That the Gaols of Ely and Wisbech in the said Isle shall become Houses of Correction for the County of Cambridge, and the present Keepers thereof shall be continued in office during the pleasure of the Justices of the Peace for the said County in Quarter Sessions assembled.

7.
Regulations respecting Juries.

And be it Enacted, That all the Regulations respecting Juries and Jurors for Counties in England, shall, after the *passing of this Act*, be applied to the Isle of Ely, as well as to the rest of the County of Cambridge.

8.
Present Coroners continued, and future vacancies provided for.

And be it Enacted, That the present Coroners of the said Isle of Ely shall continue Coroners respectively during their respective lives, or so long as they shall respectively well behave themselves; and that upon the death, removal or resignation of either of them, and upon every future vacancy of the office, a Coroner shall be chosen by the

Freeholders of the said Isle, in like manner as Coroners are chosen in the case of other Counties or Divisions of Counties of England; and the said Coroners for the time being shall be entitled to demand and take the same Fees, recompense and benefit as are given to or provided for the Coroners by an Act made and passed in the twenty-fifth year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors," and shall as such Coroners be subject to all the provisions of the said Act.

9.
Compensation to Persons affected by the provisions of the Act.

AND whereas it is expedient that due provision shall be made for the Compensation of the present Chief Justice of Ely, having a Freehold in his office, for the loss he may sustain by the abolition of his office by virtue or in consequence of this Act; BE it therefore Enacted, That from and after the commencement of this Act there shall be issued, paid and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said Chief Justice, free and clear of all taxes and deductions whatsoever, such sum of Money, at such times, by way of annuity or otherwise, as shall be adjudged and determined to be due to him by any Commission to be appointed by His Majesty, or by virtue of any Act of Parliament, for the purpose of determining the amount of the Compensation that ought to be payable in such case; and that in the meantime, and until Compensation shall be awarded and determined in manner aforesaid, or the time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any Three of them, to issue their warrants for the payment to the said Chief Justice, out of the said Consolidated Fund, of such half-yearly or quarterly allowances as to the said Commissioners shall seem reasonable.

10.
Restrictions as to Compensations.

Provided always, and be it Enacted, That the said Chief Justice shall not be entitled to receive any such Compensation, unless he shall previously make a full and true statement to the said Commissioners of His Majesty's Treasury, to be verified on oath before a Judge or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the amount of his salary, and of the disbursements and outgoings of the same for the space of Ten Years before the passing of this Act, and that such Compensation shall cease altogether or be reduced in amount, as the case may be, whenever he shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such Compensation, nor in the last-mentioned case shall be entitled to receive more of such Compensation than shall be equal to the difference between the full amount thereof and the amount of the salary and emoluments of the office in which he may be hereafter placed.

Secular Jurisdiction Abolition,
(York and Ely.)

A

BILL

For extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham and Cambridge.

(Prepared and brought in by
Lord John Russell
and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
20 *May* 1836.

283.

4 *July* 1836.—7 Will. IV.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham* and *Cambridge*.

[N. B.—*The Clauses marked* (A.) *to* (H.) *were added by the Committee.*]

Preamble.

WHEREAS it is expedient to put an end to the Secular Jurisdiction of the Archbishop of *York* in the Liberty of *Ripon*, in the West and North Ridings in the County of *York*, and in the Liberty of *Cawood, Wistow* and *Otley*, in the said West Riding, and in the Soke of *Southwell* in the County of *Nottingham*, and to the Secular Jurisdiction of the Bishop of *Ely* in the Isle of *Ely*, in the County of *Cambridge*; BE it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all the Secular Authority of the Archbishop of *York* in the said Liberty of *Ripon* and in the said Liberty of *Cawood, Wistow* and *Otley*, and in the said Soke of *Southwell*, shall, from and after the passing of this Act, cease and determine, and that no new Commission of the Peace shall be henceforth issued for either of the said Liberties or Franchises of *Ripon* or *Southwell*, but that the Justices of the Peace for the said North Riding shall within those parts of the said Liberty of *Ripon* which are locally situate within the same Riding, and the Justices of the Peace for the said West Riding shall within those parts of the said Liberty of *Ripon* which are locally situate within the same Riding, and the Justices of the Peace for the said County of *Nottingham* shall within the said Soke of *Southwell* exercise the same Jurisdiction both in and out of Sessions as within every other part of such Ridings and County respectively; any charter or custom to the contrary notwithstanding.

1.
Secular Jurisdiction of Archbishop of York to cease.

2.
Present Justices of Peace may act.

Provided always, and be it Enacted, That nothing herein contained shall prevent any Justice of the Peace now acting for the said Liberties respectively from continuing to act as such as if this Act had not been passed.

3.
Secular Jurisdiction of Bishop of Ely to cease.

And be it Enacted, That all the Secular Authority of the Bishop of *Ely*, in the Isle of *Ely* in the County of *Cambridge*, and all Authority of the Chief Justice of *Ely* heretofore appointed by the Bishop of *Ely*, shall, from and after the passing of this Act, cease and determine, and that the Bishop of *Ely* shall not henceforth appoint a Chief Justice, and that no new Commission of Oyer and Terminer or Gaol Delivery shall be henceforth issued for the said Franchise, but that the Justices of Assize, Oyer and Terminer and Gaol Delivery, shall, within the said Isle of *Ely*, exercise the same Jurisdiction as within every other part of the same County; any charter or custom to the contrary notwithstanding.

4.
CLAUSE (A.)
Custos Rotulorum of West Riding, and of Nottinghamshire.

And be it Enacted, That the Custos Rotulorum of the said West Riding of *Yorkshire* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Liberty of *Ripon*, and of the said Liberty of *Cawood*, *Wistow* and *Otley*, and that the Custos Rotulorum of the said County of *Nottingham* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Soke of *Southwell*, and that the Records of the said several Courts shall be delivered to the said respective Keepers accordingly.

5.
CLAUSE (B.)
Custos Rotulorum of Ely.

And be it Enacted, That it shall be lawful for His Majesty, His heirs and successors, to appoint from time to time such person as he and they shall think fit to be Custos Rotulorum of the said Isle of *Ely*, and of the said Liberty of *Cawood*, *Wistow* and *Otley* respectively: Provided always, That the present Custos Rotulorum of the County of *Cambridge* shall be appointed under this Act Custos Rotulorum of the said Isle of *Ely*.

6.
CLAUSE (C.)
Assizes, &c. for Ely to be held under stat. 3 & 4 Will. IV. c. 71.

And be it Enacted, That the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the dispatch of Civil and Criminal business in the said County of *Cambridge* shall be holden in such manner as shall be directed by His Majesty in Council, under the provisions of an Act passed in the third and fourth years of His present Majesty's reign, intituled, "An Act for the appointment of convenient Places for the holding of Assizes in *England* and *Wales*."

7.
Clerk of the Peace.

And be it Enacted, That the present Clerks of the Peace for the said Liberty of *Cawood*, *Wistow* and *Otley*, and the said Isle of *Ely*, shall continue Clerks of the Peace for the said Liberty and Franchise

and

/ / /

and Isle during their lives, or until resignation or other determination of their offices, and that thenceforth the Clerk of the Peace for the said Liberty and Franchise, and the Isle of *Ely*, shall be appointed by the Custos Rotulorum thereof for the time being, and shall be subject and liable to the same laws in all respects as the Clerks of the Peace in other Counties of *England*; and that the present Coroner of the Liberty of *Ripon* shall continue Coroner during his life, or so long as he shall well behave himself, and that upon his death, removal, or resignation the Coroner for the West Riding of the County of *York* shall exercise the same jurisdiction within the Liberty of *Ripon* as as within the other parts of the said Riding.

8. **Houses of Correction and their Keepers to remain.**

And be it Enacted, That the Houses of Correction at *Ely* and *Wisbech* in the said Isle shall remain, and the present Keepers thereof shall be continued in office during the pleasure of the Justices of the Peace for the said Isle in Quarter Sessions assembled; and the Keepers thereof in future shall be appointed by the said Justices so assembled as in other Counties of *England*.

9. **Regulations respecting Juries.**

And be it Enacted, That all the Regulations respecting Juries and Jurors for Counties in *England*, shall, after the passing of this Act, be applied to the Isle of *Ely*, as well as to the rest of the County of *Cambridge*.

10. **Present Coroners continued, and future vacancies provided for.**

And be it Enacted, That the present Coroners of the said Isle of *Ely* shall continue Coroners respectively during their respective lives, or so long as they shall respectively well behave themselves; and that upon the death, removal or resignation of either of them, and upon every future vacancy of the office, a Coroner shall be chosen by the Freeholders of the said Isle, in like manner as Coroners are chosen in the case of other Counties or Divisions of Counties of *England*; and the said Coroners for the time being shall be entitled to demand and take the same Fees, recompense and benefit as are given to or provided for the Coroners by an Act made and passed in the twenty-fifth year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors," and shall as such Coroners be subject to all the provisions of the said Act.

11. ***Compensation to Persons affected by the provisions of the Act.***

AND whereas it is expedient that due provision shall be made for the Compensation of the present Chief Justice of Ely, and for the present Clerks of the Peace, the said Liberties and Franchises, except the said Isle of Ely and Liberty of Cawood, Wistow, and Otley having a Freehold in their respective offices, for the loss they may sustain by the abolition of their offices by virtue or in consequence of this Act; BE it therefore Enacted, That from and after the commencement of this *Act*

Act there shall be issued, paid and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said Officers respectively free and clear of all taxes and deductions whatsoever, such sum of Money, at such times, by way of annuity or otherwise, as shall be adjudged and determined to be due to them, by any Commission to be appointed by His Majesty, or by virtue of any Act of Parliament, for the purpose of determining the amount of the Compensation that ought to be payable in such case; and that in the meantime, and until Compensation shall be awarded and determined in manner aforesaid, or the time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any Three of them, to issue their warrants for the payment to the said Officers respectively, out of the said Consolidated Fund, of such half-yearly or quarterly allowances as to the said Commissioners shall seem reasonable.

12.
Restrictions as to Compensations.

Provided always, and be it Enacted, That no such Officer shall be entitled to receive any such Compensation, unless he shall previously make a full and true statement to the said Commissioners of His Majesty's Treasury, to be verified on oath before a Judge or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the amount of his salary and fees, and of the disbursements and outgoings of the same for the space of Ten Years before the passing of this Act, and that such Compensation shall cease altogether or be reduced in amount, as the case may be, whenever he shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such Compensation, nor in the last-mentioned case shall be entitled to receive more of such Compensation than shall be equal to the difference between the full amount thereof and the amount of the salary and emoluments of the office in which he may be hereafter placed.

13.
CLAUSE (D.)
Reservation of Patent Fees to Patentees for Life.

Provided always, and be it Enacted, That nothing in this Act contained shall affect the right of any person holding a patent for his life of any office, whether abolished by this Act or not, to receive during his life any fee or stipend granted by such patent out of the Revenues of the said respective Sees.

14.
CLAUSE (E.)
Reservation of all Profits to the Sees.

Provided always, and be it Enacted, That nothing hereinbefore contained shall have the effect of severing or separating from the said Archbishoprick or Bishoprick any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, whether held in right of the said Sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

And

15.
Clause (F.)
The Bishop of Ely to take and hold subject to future provisions.

And be it Enacted, That from and after the passing of this Act the Bishop of *Ely* elect, or Bishop of *Ely* for the time being, shall take and hold the said Bishoprick, and all the property, patronage and rights belonging thereto, except as hereinbefore provided, subject to and under any provisions which shall be made by or under the authority of Parliament with respect to the said Bishoprick, within the space of Three Years next after the passing of this Act; any law, statute or canon to the contrary notwithstanding.

16.
Clause (G.)
Reservation of all profits to the Bishoprick.

Provided always, and be it further Enacted, That nothing hereinbefore contained shall have the effect of severing from the said Sees or either of them, any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, except the said Houses of Correction at *Ely* and *Wisbech*.

17.
Clause (H.)
Commencement of Act.

And be it Enacted, That this Act shall, as to all the foregoing matters not otherwise provided for, commence and take effect upon and from the day of in this present year.

Secular Jurisdiction Abolition,
(York and Ely.)

A

BILL

[AS AMENDED BY THE COMMITTEE]

For extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York, Nottingham* and *Cambridge.*

(Prepared and brought in by
Lord John Russell
and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
4 *July* 1836.

404.

15 *July* 1836.—7 Will. IV.

A

BILL

[AS AMENDED ON RE-COMMITMENT]

For extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham* and *Cambridge*.

[N. B.—*The Clauses marked* (A.) *to* (H.) *were added by the Committee; and the Clauses marked* (*a.*) *to* (*g.*) *were added on the Re-commitment.*

Preamble.

WHEREAS it is expedient to put an end to the Secular Jurisdiction of the Archbishop of *York* in the Liberty of *Ripon*, in the West and North Ridings of the County of *York*, and in the Liberty of *Cawood, Wistow* and *Otley*, in the said West Riding, and in the Soke of *Southwell* in the County of *Nottingham*, and to the Secular Jurisdiction of the Bishop of *Ely* in the Isle of *Ely*, in the County of *Cambridge*; BE it Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all the Secular Authority of the Archbishop of *York* in the said Liberty of *Ripon* and in the said Liberty of *Cawood, Wistow* and *Otley*, and in the said Soke of *Southwell*, shall, from and after the passing of this Act, cease and determine, and shall become and be transferred to and vested in His Majesty, His heirs and successors.

1. Secular Jurisdiction of Archbishop of York to cease.

2. Clause (*a.*)

And be it further Enacted, That the several Towns, Parishes and places within the said Liberty of *Ripon*, and the said Liberty of *Cawood, Wistow* and *Otley* respectively, shall severally be deemed and taken to be distinct Liberties, in the same way as they have heretofore been, and shall enjoy all the same rights, privileges and exemptions which they have heretofore enjoyed, save only that all secular powers and authorities heretofore exercised by the Archbishop of *York* within the said Liberties, or either of them, shall henceforth be exercised by

His Majesty, His heirs and successors; and all persons now holding any office in the said Liberties, or either of them, shall continue to hold the same in the same way as if this Act had not been passed.

3. CLAUSE (b.)

And be it further Enacted, That no new Commission of the Peace shall be henceforth issued for the said Soke of *Southwell*; but the Justices of the Peace for the said County of *Nottingham* shall, within the said Soke of *Southwell*, exercise the same jurisdiction, both in and out of sessions, as within every other part of such County; any charter or custom to the contrary notwithstanding.

4. Secular Jurisdiction of Bishop of Ely to cease.

And be it further Enacted, That all the Secular Authority of the Bishop of *Ely*, in the Isle of *Ely* in the County of *Cambridge*, and all Authority of the Chief Justice of *Ely* heretofore appointed by the Bishop of *Ely*, shall, from and after the passing of this Act, cease and determine, and all the Secular Authority of the said Bishop shall become and be vested in His Majesty, His heirs and successors: Provided always, That nothing therein contained shall prevent any Justice of the Peace now acting for the said Liberties, Soke and Isle respectively from continuing to act as such within the limits of their respective jurisdictions, as if this Act had not been passed.

5. CLAUSE (c.)

And be it further Enacted, That the County Rates for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow* and *Otley*, and for the said Isle of *Ely*, shall remain, as heretofore, distinct from the Rates of the rest of the Counties of *York* and *Cambridge* respectively, and shall be assessed and levied, and paid and applied, by and under the order and direction of the Justices of the Peace for the said Liberties and Isle respectively as if the same were separate Counties, but in all other respects under the same regulations as are applicable to the rates of other Counties in *England*.

6. CLAUSE (A.) Custos Rotulorum of West Riding, and of Nottinghamshire.

And be it Enacted, That the Custos Rotulorum of the said West Riding of *Yorkshire* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Liberty of *Ripon*, and of the said Liberty of *Cawood*, *Wistow* and *Otley*, and that the Custos Rotulorum of the said County of *Nottingham* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Soke of *Southwell*, and that the Records of the said several Courts shall be delivered to the said respective Keepers accordingly.

7. CLAUSE (B.) Custos Rotulorum of Ely.

And be it Enacted, That it shall be lawful for His Majesty, His heirs and successors, to appoint from time to time such person as he and they shall think fit to be Custos Rotulorum of the said Isle of *Ely*:

Provided always, That the present Custos Rotulorum of the County of *Cambridge* shall be appointed under this Act Custos Rotulorum of the said Isle of *Ely*.

8.
Clause (C.)
Assizes, &c. for Ely to be held under stat. 3 & 4 Will.IV. c.71.

And be it Enacted, That the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the dispatch of Civil and Criminal business in the said County of *Cambridge* including the said Isle of *Ely*, shall be holden in such manner and at such place or places as shall be directed by His Majesty in Council, under the provisions of an Act passed in the third and fourth years of His present Majesty's reign, intituled, "An Act for the appointment of convenient Places for the holding of Assizes in *England* and *Wales*."

9.
Clause (*d.*)
Quarter Sessions of Isle of Ely.

And be it further Enacted, That separate Commissions of the Peace shall continue to be issued for the said two Liberties and Isle respectively as heretofore; and the Sessions of the Peace for the said Liberties and Isle respectively shall be holden by and before the Justices of the Peace for the time being acting in and for the said Liberties and Isle respectively, in like manner as the same have hitherto been holden.

10.
Clerk of the Peace.

And be it further Enacted, That the present Clerks of the Peace for the said Liberty of *Ripon* and for the said Liberty of *Cawood*, *Wistow* and *Otley*, and for the said Isle of *Ely* respectively, shall continue Clerks of the Peace for the said Liberties and Isle respectively during their lives, or until resignation or other determination of their offices, and that thenceforth the Clerks of the Peace for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow* and *Otley*, shall be appointed by the Custos Rotulorum of the said West Riding for the time being, and the Clerk of the Peace for the said Isle of *Ely* shall be appointed by the Custos Rotulorum thereof for the time being, and shall be subject and liable to the same laws in all respects as the Clerks of the Peace in other Counties of *England*; and that the present Coroner of the Liberty of *Ripon* shall continue Coroner during his life, or so long as he shall well behave himself, and that upon his death, removal, or resignation the Coroner for the West Riding of the County of *York* shall exercise the same jurisdiction within the Liberty of *Ripon* as within the other parts of the said Riding.

11.
Clause (*e.*)
Chief Bailiff of the Isle of Ely.

And be it further Enacted, That the present Chief Bailiff for the said Isle of *Ely* shall continue Chief Bailiff of the said Isle until resignation or other determination of his Office, and that thenceforth it shall be lawful for His Majesty, His heirs and successors to appoint from time to time such Person as he or they shall think fit to be Chief Bailiff of the said Isle.

12.
Clause (*f*.)

And be it further Enacted, That no person shall from and after the passing of this Act be committed to the Gaol at *Ely*; but all persons, who, if this Act had not passed, might have been committed to or confined in such Gaol, may be commttted to and confined in the Gaol at *Cambridge*; and all persons who at the time of the passing of this Act shall be confined in the said Gaol at *Ely* shall, as soon as may be after the passing of this Act, be delivered up by the Keeper of the said Gaol at *Ely* to the Keeper of the said Gaol at *Cambridge*, together with the warrant or instrument under or by virtue whereof every such Person shall be then detained in custody, and the Keeper of the said Gaol at *Cambridge* shall receive and detain such Persons in custody in the same way as if such persons had originally been committed to his custody.

13.
Houses of Correction and their Keepers to remain.

And be it Enacted, That the Houses of Correction at *Ely* and *Wisbech* in the said Isle shall remain, and the present Keepers thereof shall be continued in office during the pleasure of the Justices of the Peace for the said Isle in Quarter Sessions assembled; and the Keepers thereof shall be appointed by the said Justices so assembled as in other Counties of *England*.

14.
Regulations respecting Juries.

And be it Enacted, That all the Regulations respecting Juries and Jurors for Counties in *England*, shall, after the passing of this Act, be applied to the Isle of *Ely*, as well as to the rest of the County of *Cambridge*.

15.
Present Coroners continued, and future vacancies provided for.

And be it Enacted, That the present Coroners of the said Isle of *Ely* shall continue Coroners respectively during their respective lives, or so long as they shall respectively well behave themselves; and that upon the death, removal or resignation of either of them, and upon every future vacancy of the office, a Coroner shall be chosen by the Freeholders of the said Isle, in like manner as Coroners are chosen in the case of other Counties or Divisions of Counties of *England*; and the said Coroners for the time being shall be entitled to demand and take the same Fees, recompense and benefit as are given to or provided for the Coroners by an Act made and passed in the twenty-fifth year of the reign of his late Majesty King George the Second, intituled, "An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors," and shall as such Coroners be subject to all the provisions of the said Act.

16.
Compensation to Persons affected by the provisions of the Act.

AND whereas it is expedient that due provision shall be made for the Compensation of any Persons holding Offices, which have been usually held for life, for the loss they may sustain by the abolition of their offices by virtue or in consequence of this Act; BE it therefore Enacted, That from and after the commencement of this Act there shall be issued, paid and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the said Officers respectively, free and clear of all taxes and deductions whatsoever, such sum of Money, at such times, by way of annuity or otherwise, as shall be adjudged and determined to be due to them by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, who shall have full power to inquire into and ascertain the amount of such Compensation, having regard to the nature and value of the office, the mode of appointment thereto, the tenure thereof, and all the circumstances of the case.

17.
Restrictions as to Compensations.

Provided always, and be it Enacted, That no such Officer shall be entitled to receive any such Compensation, unless he shall previously make a full and true statement to the said Commissioners of His Majesty's Treasury, to be verified on oath before a Judge or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the amount of his salary and fees, and of the disbursements and outgoings of the same for the space of Ten Years before the passing of this Act, and that such Compensation shall cease altogether, or be reduced in amount, as the case may be, whenever he shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such Compensation, nor in the last-mentioned case shall be entitled to receive more of such Compensation than shall be equal to the difference between the full amount thereof and the amount of the salary and emoluments of the office in which he may be hereafter placed.

18.
CLAUSE (D.)
Reservation of Patent Fees to Patentees for Life.

And be it further Enacted, That nothing in this Act contained shall affect the right of any person holding a patent for his life of any office, whether abolished by this Act or not, to receive during his life any fee or stipend granted by such patent out of the Revenues of the said respective Sees.

19.
CLAUSE (E.)
Reservation of all Profits to the Sees.

And be it further Enacted, That nothing hereinbefore contained shall have the effect of severing or separating from the said Archbishoprick or Bishoprick any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, whether held in right of the said Sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

20.
CLAUSE (F.)
The Bishop of Ely to take and hold subject to future provisions.

And be it Enacted, That from and after the passing of this Act the Bishop of *Ely* for the time being shall take and hold the said

Bishoprick, and all the property, patronage and rights belonging thereto, except as hereinbefore provided, subject to and under any provisions which shall be made by or under the authority of Parliament with respect to the said Bishoprick, within the space of Three Years next after the passing of this Act; any law, statute or canon to the contrary notwithstanding.

21.
Clause (*g*.)

Provided always, and be it further Enacted, That notwithstanding any thing hereinbefore contained, the present Chief Justice of the said Isle of *Ely* shall have full power, under any Commission of Oyer and Terminer, or Gaol Delivery, which has already issued, to exercise all such jurisdiction as he has heretofore exercised in the said Isle.

Secular Jurisdiction Abolition,
(York and Ely.)

A

BILL

[AS AMENDED ON RE-COMMITMENT]

For extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham* and *Cambridge*.

(Prepared and brought in by
Lord John Russell
and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1836.

448.

8 *July* 1836.—7 Will. IV.

A

BILL

For carrying into effect the Fourth Report of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

Recital of Act appointing Ecclesiastical Commissioners.

WHEREAS by an Act passed in this present Session, intituled, "An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage," certain persons therein named are constituted and appointed to be one Body Politic and Corporate, by the name of "The Ecclesiastical Commissioners for England," for the purpose of carrying into effect, subject to the approval of His Majesty in Council, in the manner and under the regulations in the said Act set forth, certain Recommendations contained in Three several Reports made by the Commissioners appointed to consider the state of the several Dioceses in England and Wales, with reference to the amount of their revenues, and the more effectual distribution of episcopal duties, and the prevention of the necessity of attaching by Commendam to Bishopricks Benefices with Cure of Souls; and to consider also the state of the several Cathedral and Collegiate Churches in England and Wales, with a view to the suggestion of such measures as may render them more conducive to the efficiency of the Established Church, and to devise the best mode of providing for the Cure of Souls, with special reference to the residence of the clergy on their respective Benefices; which Recommendations are in the said Act particularly set forth and recited: And whereas the said last-mentioned Commissioners have made their Fourth Report, bearing date the Twenty-fourth day of June One thousand eight hundred and Thirty-six, and have therein

Recital of Recommendations in Fourth Report of Church Commissioners.

further recommended that the Chapter of each Cathedral Church in England, except at Oxford,—of the Collegiate Church of Westminster,—and of His Majesty's Royal Chapel of Windsor,—consist hereafter of a Dean and Four Canons only; and that the Chapter of Christchurch, in Oxford, consist hereafter of a Dean and Six Canons only; and that until the existing Chapters shall be reduced to their proposed future number of members respectively, every Canonry or Prebend which shall become vacant be suppressed, except in the cases herein specified; and that the first Canonry of Christchurch which shall become vacant, not being one of the Two Canonries which are respectively annexed to the Regius Professorships in the University of Oxford, be permanently annexed to the Lady Margaret's Professorship of Divinity in that University; that the Two next Canonries of Christchurch which shall become vacant, not being either of the Three already specified, be suppressed; that the Fourth vacancy be filled up; that the Two next Canonries which shall become vacant, except as aforesaid, be suppressed; and that this rule be acted upon until the number of Canons shall be reduced to Six; and that upon the Lady Margaret's Professor succeeding to the Canonry of Christchurch, the Canonry of Worcester, now annexed to his Professorship, become vacant, and be suppressed; and that the Rectory of the said parish of Saint Margaret, in the city of Westminster, and one of the prebendal houses belonging to the Chapter of Westminster, be permanently annexed to the Prebend in the Collegiate Church of Westminster, now held by Henry Hart Milman, Clerk; and that the said parish, and the Rector thereof, be subject to the jurisdiction of the Bishop of London, and of the Archdeacon of Middlesex, and not to any other ecclesiastical jurisdiction, and be in the patronage of His Majesty; and that the share of the revenues of the said Chapter, belonging to such Prebendary, be subdivided into Twelve equal parts; that Seven of such parts be paid to the Prebendary, and that the other Five parts be applied towards building a house of residence for the Minister of a district Church in the said parish, and for endowing the Rector of such Church, and the Minister of Broadway Chapel, in the said parish, in such proportions as the Commissioners to be appointed for carrying into effect the Report dated the Twentieth day of May One thousand eight hundred and Thirty-six, shall recommend, and His Majesty in Council shall approve; and that the Rectory of the parish of Saint John, in the same city, and one other of the prebendal houses belonging to the said Chapter, be permanently annexed to the Prebend in the said Collegiate Church, lately held by George Holcombe, Doctor of Divinity; and that the said parish, and the Rector thereof, be subject to the jurisdiction of the Bishop of London and of the Archdeacon of Middlesex, and not to any other ecclesiastical jurisdiction, and be in the patronage of His Majesty; and that the share of the revenues of the said Chapter, belonging to the said

Prebend, be subdivided, and applied for the spiritual use of the said last-mentioned parish, in such proportions and in such manner as the said Commissioners shall recommend, and His Majesty in Council shall approve; and that in the Cathedral Churches of Canterbury, Durham, Ely, Exeter, Winchester and Worcester, in the Collegiate Church of Westminster, and in His Majesty's Royal Chapel of Windsor, respectively, the Two first Canonries or Prebends which shall become vacant, be, except as herein specified, suppressed, and that the Third vacancy be filled up, and that this rule be acted upon until there shall be Four Canons only; that in the Cathedral Church of Canterbury, the First appointment under such rule be made by His Majesty, the Second by the Archbishop of Canterbury, and that thereafter the said Archbishop appoint a Canon, upon the occurrence of every Fourth vacancy which is to be filled up; that in the Cathedral Church of Durham, Henry Jenkyns, Clerk, Professor of Greek in the University of Durham, be appointed to the Canonry designed for him by the late Bishop of Durham, and now held by Richard Prosser, Doctor of Divinity, when it shall become vacant, although One of the Two preceding vacancies may have been filled up; and that in the Collegiate Church of Westminster, when either of the Prebends attached to the parishes of Saint Margaret and Saint John respectively shall become vacant, a Canon be appointed, although One of the Two preceding vacancies may have been filled up; and that in the Cathedral Churches of Bristol, Chester, Gloucester, Lichfield, Norwich, Peterborough, Rochester, Salisbury and Wells, the First and every alternate Canonry or Prebend which shall become vacant, be, except as herein specified, suppressed, and that every other vacancy be filled up, and that this rule be acted upon until there shall be Four Canons only; but that when a vacancy shall occur in the Prebend in the Cathedral Church of Gloucester, which is attached to the Mastership of Pembroke College in Oxford, or in the Prebend in the Cathedral Church of Norwich, which is attached to the Mastership of Catherine Hall in Cambridge, or in either of the Prebends in the Cathedral Church of Rochester, which are respectively attached to the Provostship of Oriel College in Oxford, and to the Archdeaconry of Rochester, such vacancy be filled up, although a new Canon may have been appointed in the case of the vacancy immediately preceding; and that in case any Canonry in either of the before-named Cathedral or Collegiate Churches shall be hereafter permanently annexed to any Archdeaconry, or united with any parochial charge, and shall then become vacant before the Canonries in such Church shall be reduced to the proposed future number, such vacancy be filled up, notwithstanding the foregoing rules; and that in all Cathedral and Collegiate Churches in which the residentiaries have heretofore been elected by the Chapter from amongst the existing Prebendaries, all the Canonries be in future in the direct patronage of the Bishops of the respective Dioceses, with the exception of the Three existing

Canonries in the Cathedral Church of Saint Paul, in London; and that these latter Canonries be in the direct patronage of His Majesty; and that in the said Chapter of Saint Paul, and in the Chapter of Lincoln, respectively, a Fourth Canonry be founded; and that such new Canonries be in the patronage of the respective Bishops, and be disposed of by them as herein provided; and that the Incomes, from whatever source arising, belonging to all suppressed residentiary Canonries or Prebends, as well those which are now vacant, as those which shall hereafter become vacant, be, except as herein specified, paid to the proper Officer to be appointed by the said Commissioners; and that in the Cathedral Church of Chester, the Incomes of the two suppressed residentiary Prebends fall into the divisible revenues of the Dean and Chapter; and that the separate Estates and other Endowments, of whatever kind, distinct from the corporate property of the respective Chapters, belonging to Deaneries and residentiary Canonries or Prebends, as well those which are now vacant, as those which shall hereafter become vacant, be, except as herein specified, vested in the said Commissioners; and that in the Cathedral Churches of York and Lichfield, such part of the separate Endowments of the Dean and Canons as may be determined upon be vested, as vacancies occur, in the respective Chapters, and become part of the corporate property; and that the remainder of such Endowments be vested in the said Commissioners; and that each of the Deans, hereafter to be appointed, of the Cathedrals on the old foundation, except as herein specified, and of His Majesty's Royal Chapel of Windsor, receive a double share of the divisible revenues; and that, until the time when all the Dignities shall be held subject to these Recommendations, just apportionments be made of the shares of such revenues, to be received by the new members of each Chapter respectively; and that, upon the first vacancy in the Deanery of Windsor, the living of Haseley be severed from the Deanery, and revert to the patronage of the Dean and Chapter of Windsor; and that the Chapter of Saint Asaph consist hereafter of a Dean and Two Canons, and that the Canons have the Cure of Souls within the parish; and that the Deanery retain so much of its separate Endowment as shall remain after competently providing thereout for the Vicarage of Henllan; and that the divisible revenues be equally shared by the Two Canons; and that the Chapter of Bangor consist hereafter of a Dean and Two Canons, the Canons performing the same duties, both in the Cathedral and in the parish of Bangor, as are now performed by the Priest-Vicars of that Cathedral; and that the Endowments belonging to the Prebend of Penmynydd be annexed to the Deanery of Bangor; and that such portion of the Tithes now belonging to the said Deanery as shall be determined upon, be applied to the augmentation of the Vicarages or Perpetual Curacies of the parishes in which they respectively accrue; and that the Deaneries of Saint Asaph and Bangor be united to the Archdeaconries of Saint Asaph and Bangor respectively; and that the Archdeaconry of Merioneth be endowed with the property belonging to one of the Prebends in the Cathedral Church of Bangor, hereafter to be fixed upon; and that the Chapter of Saint David's consist hereafter of a Precentor and Two Canons, the Canons being charged with the Cure of Souls in the parish of Saint David's; that the divisible revenues be divided into Twenty-four parts; that Ten of such parts be assigned to the Precentor, and Five to each Canon; and that the remaining Four be paid as an Endowment to the Archdeacon of Cardigan; and that the Chapter of Llandaff consist hereafter of an Archdeacon and Two Canons, the Canons being charged with the Cure of Souls, in the parishes of Llandaff and Whitchurch respectively; and that, after paying to the Bishop of Llandaff One-seventh part of the divisible revenues, the remainder be divided among the Three Members of the Chapter, the Archdeacon receiving One-half, and each of the Canons One-quarter; and that the Endowment belonging to One of the Prebends in the Collegiate Church of Brecon, hereafter to be fixed upon, be annexed to the Archdeaconry of Brecon; and that all the remaining property belonging to the Canonries, Prebends, Dignities and Offices in the Cathedral Churches of Saint Asaph, Bangor, Saint David's, Llandaff, and in the Collegiate Church of Brecon, as they become vacant, be vested in the said Commissioners, and be applied by them to the improvement of poor Benefices in the principality of Wales, unless the said Commissioners shall deem it fit to apply any part thereof to the better Endowment of the College of Saint David's at Lampeter, either absolutely or in exchange for any Benefices with Cure of Souls, which are now connected with that Establishment; and that authority be given to them for that purpose; and that the whole divisible revenues of the Dean and Chapter of Ripon be divided into Six parts; and that the Dean receive Two parts, and the Four Canons One part each; and that no new appointment be made to any of the Prebends, Dignities or Offices, not being residentiary, in the several Cathedral and Collegiate Churches, except as herein specified; nor to the Deanery of Wolverhampton; and that all the Estates, Tithes and other Endowments, of whatever kind, belonging to the said Deanery, Prebends, Dignities and Offices, as well those which are now vacant as those which shall hereafter become vacant, be, as herein specified, vested in the said Commissioners; and that the Endowments, of whatever kind, belonging to the Collegiate Churches of Wolverhampton, Heytesbury and Middleham, be applied to making a better provision for the Cure of Souls in the districts or places with which those Churches are respectively connected; and that the Archdeacon of Nottingham in future be the Rector of the Collegiate Church of Southwell, and have under him an Assistant Minister, such Minister to have an income of not less than Three hundred Pounds per annum out of the revenues of the said Church, and Two Minor Canons with an income of not less than One hundred and fifty Pounds per annum each; and that such Minor

Canons also assist in the duties of the parish of Southwell; and that so much of the property belonging to the Collegiate Church of Wimborne Minster as shall upon due inquiry be found to remain, after adequately providing for the original purposes of the foundation, be applied towards making a better provision for the spiritual cure of the parish of Wimborne Minster; and that provision be made for the due performance of such duties in the respective Cathedral and Collegiate Churches as may require to be so provided for, in consequence of the diminution in the number of Canons while that change is in progress; and that measures be taken by the said Commissioners for the disposal of such residence houses, in the precincts of the respective Cathedral and Collegiate Churches, as may no longer be required, and for the distribution and appropriation of those which may be retained; and that power be given to unite such of the better endowed Canonries in the respective Chapters as may be deemed properly available for the purpose, with the parochial charge of populous districts within the Dioceses in which such Churches shall be respectively situate; and that such arrangements be made, with respect to the Deanery and Canonries in the Chapter of Durham, and their revenues, as shall, upon due inquiry and consideration, be determined on, with a view to maintaining the University of Durham in a state of respectability and efficiency; due regard being had to the just claims of any existing Officer of the University; and that the Visitors of the respective Chapters do so alter, from time to time, the existing statutes and rules as to make them consistent with the altered constitution and duties of the Chapters respectively; but that no statute made under this authority take effect until it shall have been submitted to the said Commissioners and shall have received the sanction of His Majesty in Council; and that the several Corporations or Colleges of Vicars-Choral, Priest-Vicars or Minor Canons be dissolved, and that their Endowments be dealt with in such manner as shall be determined on, so as to secure to each of the existing Members a provision at least equivalent to that which he now possesses; and that the Advowsons belonging to these bodies be vested in the Chapters of their respective Cathedrals; and that all the said Officers be hereafter styled Minor Canons; that their number in each Cathedral or Collegiate Church, where it now exceeds Four, be gradually reduced to a number not exceeding Four, nor less than Two; and that the stipend of each Minor Canon hereafter to be appointed be not less than One hundred and fifty Pounds per annum; and that no Minor Canonry, in any Cathedral or Collegiate Church, be held together with any Benefice, unless such Benefice be within the limits of the city wherein such Church is situate; and that no Minor Canon be qualified to take any Benefice in the patronage of the Chapter beyond such limits, until he shall have actually served as Minor Canon for Five Years at the least; and that within One Year after the acceptance of any such Benefice, he vacate his Minor Canonry; and that upon the vacancy of any Benefice in the patronage of a Chapter, the Dean and Chapter present thereto, either one of their own body or a Minor Canon, subject to such regulations as aforesaid; or a Spiritual Person, who shall have served for Five Years at the least as Master of the Grammar School, if any, attached to such Cathedral or Collegiate Church, who shall within One Year thereafter vacate his Mastership; and that if neither a Member of the Chapter, nor a Minor Canon, nor such Schoolmaster, be presented within Three calendar Months, the Bishop of the Diocese in which the Benefice is situate shall, within the next Three calendar Months, collate thereto a Spiritual Person, who shall have actually served within such Diocese as Curate or Incumbent for Five Years at the least; and that, if no such collation take place within such time, the Benefice lapse to the Archbishop of the Province; and that the patronage of all Benefices with Cure of Souls possessed by individual members of Chapters, in right of their separate estates, or by Prebendaries, Dignitaries or Officers, not residentiary, be transferred to the Bishops of the Dioceses in which the Benefices shall be respectively situate; and that all Ecclesiastical Rectories without Cure of Souls, except such as are in the patronage of any College in either of the Universities, or of any private Patron, as well those which are now vacant as those which shall hereafter become vacant, be suppressed; and that the Endowments, of whatever kind, belonging thereto, be, except as herein specified, applied towards augmenting the existing provision for the Cure of Souls; due regard being had, in the first instance, to the wants of the Dioceses in which the said Rectories shall be respectively situate; and that the Bishops of London and Lincoln be enabled to collate to the new Canonry in the Chapter of Saint Paul and of Lincoln respectively, One of the Archdeacons of their respective Dioceses, subject to such regulations, before any vacancy shall occur among the existing members of the respective Chapters, as may be determined on; and that upon the occurrence of any such vacancy, provision be made for such Archdeacon, and if it be deemed fit, for one other of the Archdeacons in each of the said Dioceses, by the application of a portion of the income of such Canonry; that the Stall in the Cathedral Church of Rochester, which is now annexed to the Archdeaconry of Rochester, be annexed to the new Archdeaconry of Maidstone; and that Archdeaconries, not otherwise competently endowed, be provided for respectively, by the annexation, where circumstances will permit, either of an entire Canonry, or of a Canonry charged with the payment of such portion of its income as shall be determined on, towards the provision for another Archdeacon in the same Diocese, or of such last-mentioned portion of the income of a Canonry; or until such arrangement can be made, and in cases where it may be necessary, by augmentation, out of the Lands or Tithes vested in the said Commissioners, or out of the revenues accruing from the suppression of Ecclesiastical Rectories without Cure of Souls or of non-residentiary Prebends; provided that the annual income of each Archdeaconry, so augmented out of such Lands, Tithes or revenues, do not exceed Two hundred Pounds; and that, with respect to Benefices which are annexed, by Act of Parliament or otherwise, to the Headships of Colleges in the Universities of Oxford and Cambridge, power be given to sanction, with the consent of the respective Colleges, the sale of the Advowsons of such Benefices, and the investment of the proceeds in proper securities, the interest to be paid to the respective Heads of the Colleges for the time being; and that upon the completion of the respective arrangements, the present Incumbents be permitted, on resigning their respective Benefices, to receive the interest of the proceeds arising from such sales respectively; and that power be given to the Colleges themselves to purchase such Advowsons; and that similar power be given, with respect to the Benefice annexed to the Regius Professorship of Divinity in the University of Cambridge; and that wherever any Benefice with Cure of Souls is held together with any sinecure preferment, in the patronage of any College in either of the Universities, or of any private Patron, the revenues of which latter preferment form a part of the income of the present Incumbent of such Benefice, power be given, with the consents of the respective Patrons, permanently to annex such preferment to such Benefice; and that in those parishes in which both the profits and the spiritual charge are divided between One or more Incumbents, each having a mediety or portion of the Benefice, power be given, with the consent of the Patron, to sanction plans for constituting any of such portions separate Benefices; or for consolidating Two or more of such portions into One Benefice to be held by One Incumbent; or for making such other arrangements as may promote the efficient discharge of pastoral duties in such parishes; and that with an especial view to the better care of populous parishes, power be given to sanction the exchange of Advowsons between Bishops, Colleges and other public bodies; and to sanction any arrangements for the purpose of improving the value, or making a better provision for the spiritual duties of ill-endowed parishes or districts, by altering the exercise of patronage, or by apportioning the income of Two Benefices belonging to the same patron, or the income of One Benefice having more than One Church or Chapel, between the Incumbents or Ministers of such Benefices, Churches or Chapels, but that these latter powers be not exercised, with respect to Advowsons in lay patronage, without the consent of the respective Patrons; nor in any case without the consent of the Bishop of the Diocese; and that none of these propositions, respecting the division of corporate property, the severance of separate property, or the exercise of patronage in respect of separate property, affect any Dean, Archdeacon, Canon, Prebendary, Dignitary or Officer (except the said Henry Hart Milman), who shall be in possession at the time of passing any Act of Parliament for carrying these propositions into effect; but that every such

Dean, Archdeacon, Canon, Prebendary, Dignitary and Officer thereafter appointed be subject to such regulations as shall be made in pursuance of such Act; and that the said Commissioners from time to time, as they shall think necessary, cause to be amended the valuation of the revenues of the Bishopricks, Cathedrals, Collegiate Churches, Ecclesiastical Corporations aggregate and sole, and Benefices in England and Wales, which was made and estimated according to the Returns made to the Commissioners appointed by His Majesty to inquire into the Revenues and Patronage of the Established Church in England and Wales, and specified in the Report made by the said Commissioners, bearing date the Sixteenth day of June One thousand eight hundred and Thirty-five; and that when the said amended valuation shall be completed, the same be printed by His Majesty's Printer, and be received as Evidence of the value of every Dignity, Office or Benefice therein mentioned; and that all Monies received by the Treasurer of the Governors of the bounty of Queen ANNE, under the Act passed in the last Session of Parliament relating to Preferments without Cure of Souls, be forthwith paid over to the proper Officer to be appointed by the said Commissioners, and that no further sums be received by the said Treasurer under the said Act; and that the property and revenues to be vested in and paid to the Commissioners under these propositions be, after a due consideration of the wants and circumstances of the places in which they accrue, applied, except as herein specified, to the purpose of making additional provision for the Cure of Souls in parishes where such assistance is most required, in such manner as shall be most conducive to the efficiency of the Established Church; and that the said Commissioners be empowered to inquire into the state of those Hospitals which were returned as promotions spiritual in the reign of King HENRY the Eighth; and that in those cases in which they shall find the Endowments of such Hospitals to be capable, after satisfying the objects of the Founder's bounty, of affording a better provision for the Cure of Souls in the parishes with which they are connected, the Commissioners do consider and report to His Majesty in Council; that His Majesty in Council be empowered to sanction measures for effecting such provision; and that no person be hereafter capable of receiving the appointment of Dean, Archdeacon or Canon until he shall have been Six Years complete in Priest's orders:

And whereas it is expedient that such further Recommendations should also be carried into effect as soon as conveniently may be;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

1.
Ecclesiastical Commissioners to lay Schemes before King in Council, for carrying into effect the said Recommendations.

thority of the same, THAT the said Ecclesiastical Commissioners shall from time to time prepare and lay before His Majesty in Council such Schemes as shall appear to the said Commissioners to be best adapted for carrying into effect such of the hereinbefore recited Recommendations as are not hereinafter expressly provided for; and shall in such Schemes recommend and propose all such measures as may, upon further inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for carrying such Recommendations into full and perfect effect: Provided always, That nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such Scheme such modifications or variations, as to matters of detail and regulation, as shall not be substantially repugnant to any or either of the said Recommendations.

2.
King in Council may make Orders for carrying Schemes into effect;

which shall be registered in each Diocese respectively;

And be it Enacted, That when any such Scheme shall be approved by His Majesty in Council, it shall be lawful for His Majesty in Council to issue an Order or Orders ratifying the same, and specifying the time or times when such Scheme or the several parts thereof shall take effect, and to direct every such Order to be registered by the Registrar of each of the Dioceses, the Bishops, Cathedral or Collegiate Churches, Chapters, Members of Chapters, Officers, Incumbents, or any other bodies or persons, of or within which may or shall be in any respect affected thereby, or in any newly created Diocese, by such person as shall be for that purpose named according to the provisions of the said recited Act.

3.
And gazetted;

And be it Enacted, That every such Order shall, as soon as may be after the making and issuing thereof by His Majesty in Council, be inserted and published in the London Gazette.

4.
And then to be of full effect and as to all persons.

And be it Enacted, That so soon as any such Order in Council shall be so registered and gazetted, it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this Act; any law, statute, canon, letters patent, grant, usage or custom to the contrary notwithstanding.

5.
Copies of Orders to be laid before Parliament.

And be it Enacted, That a Copy of every Order of His Majesty in Council made under this Act shall be laid before each House of Parliament in the month of *January* in every year, if Parliament shall be then sitting, or if Parliament be not then sitting, within *One* Week after the next meeting thereof.

6.
Registrars to register all Orders, subject to a Penalty for neglect.

And be it Enacted, That the Registrar of every Diocese to whom any Order of His Majesty in Council made by virtue of this Act shall be delivered, shall forthwith register the same in the registry of his Diocese, and the persons who shall be for that purpose appointed in the Dioceses of Manchester and Ripon shall forthwith register every such Order in books to be by them for that purpose provided; and if any such Registrar or other person shall refuse or neglect to register any such Order, he shall for every day during which he shall so offend forfeit and if his offence shall continue for the space of *Three* Months, he shall forfeit his office, and it shall be lawful for the Bishop of the Diocese, or for His Majesty, as the case may be, to appoint a successor thereto.

Fee to Registrar.

And be it Enacted, That for such registration as aforesaid no Registrar shall be entitled to receive any fee or reward, but that on every search for any such Order he shall be entitled to receive a fee of *Three* Shillings, and for every copy or extract of any such Order certified by him he shall be entitled to receive for every folio of *Ninety* Words, and the copy of every such entry, certified by the Registrar, shall be admissible as evidence in all courts and places whatsoever.

8.
Every Dean, Archdeacon or Canon to be Six Years a Priest.

And be it Enacted, That no person shall be hereafter capable of receiving the appointment of Dean or Canon of any Cathedral or Collegiate Church, or of His Majesty's Royal Chapel of Windsor, or the appointment of Archdeacon, until he shall have been *Six* Years complete in Priest's orders.

9.
Provisions of Act to extend to this Act.

And be it Enacted, That all the powers and authorities vested in the said Ecclesiastical Commissioners for England by the said recited Act, with reference to the matters therein contained, be continued and extended to the said Commissioners with reference to all matters in this Act contained, and may be used and exercised by them with reference thereto as fully and effectually as if the said powers and authorities were repeated in this Act; and that the said recited Act and this Act shall be construed as if they were one and the same Act.

10.
Provisions relating to Church Commissioners in Plurality and Residence Act to apply to Ecclesiastical Commissioners.

AND whereas, in and by another Act passed in this present Session, intituled, "An Act to abridge and regulate the holding of Benefices in Plurality, and to amend the Laws relating to the Residence of the Clergy, and to the Appointment and Payment of Stipendiary Curates in England," certain duties and powers are assigned and given to the said Commissioners appointed to consider the state of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues; BE it Enacted, That from and after the *passing of this Act*, all the said duties and powers shall be performed and exercised by the said Ecclesiastical Commissioners for England, as if they had been named in the said last-recited Act.

Ecclesiastical Duties and Revenues.

A

BILL

For carrying into effect the Fourth Report of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues.

(*Prepared and brought in by*
Lord John Russell,
Mr. Chancellor of the Exchequer,
and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1836.

423.

26 *July* 1836.—7 WILL. IV.

A

B I L L

For suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS His Majesty was pleased, on the Fourth day of February and on the Sixth day of June in the year One thousand eight hundred and Thirty-five, to issue two several Commissions to certain persons therein respectively named, directing them to consider the state of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues:

And whereas the said Commissioners have, in pursuance of such directions, made Four several Reports to His Majesty, bearing date respectively the Seventeenth day of March One thousand eight hundred and Thirty-five, and the Fourth day of March, the Twentieth day of May and the Twenty-fourth day of June One thousand eight hundred and Thirty-six, and have in the last of such Reports, amongst other things, recommended that the Chapter of each Cathedral Church in England, except at Oxford; of the Collegiate Church of Westminster, and of His Majesty's Royal Chapel of Windsor, consist hereafter of a Dean and four Canons only; that the Chapter of Christ Church in Oxford consist hereafter of a Dean and Six Canons only; that the Chapters of Saint Asaph and Bangor respectively consist hereafter of a Dean and Two Canons only; that the Chapter of Saint David's consist hereafter of a Precentor and Two Canons only, and that the Chapter of Llandaff consist hereafter of an Archdeacon and Two Canons only; and that no new appointment be made to any of the Prebends, Dignities or Offices, not being residentiary, in the several Cathedral and Collegiate Churches except as therein specified, nor to the Deanery of Wolverhampton; and that all Ecclesiastical Rectories without cure of souls, except such as are in the patronage of any College in either of the Universities, or of any private Patron, be suppressed:

And whereas the said Commissioners have also recommended various other measures, some of which are connected with and dependent upon the foregoing recommendations, and it is expedient that the Reports of the said Commissioners in these respects should be further considered in the next Session of Parliament; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT, except as hereinafter excepted, no Appointment, Presentation or Collation be made to any Canonry, Prebend or Dignity in any Cathedral Church in England or Wales, or in His Majesty's Royal Chapel of Windsor, or in the Collegiate Churches of Westminster and Ripon, or to any Benefice without cure of souls in England or Wales, which is now vacant or which shall hereafter become vacant during the continuance of this Act: Provided always, That nothing herein contained shall be construed to apply to any Archdeaconry, nor to any Deanery, except the Deanery of Wolverhampton, nor to the Dignity of Precentor in the Cathedral Church of Saint David's, nor to any of the Canonries in the Cathedral Churches of York, Saint Paul's in London, Carlisle, Chichester and Lincoln, nor to either of the two Canonries of Christ Church, which are respectively annexed to the Regius Professorships of Divinity and Hebrew in the University of Oxford, nor to the Prebend in the Cathedral Church of Worcester, which is annexed to the Lady Margaret's Professorship of Divinity in the same University, nor to the two Prebends in the Collegiate Church of Westminster, which the said Commissioners have in their said Reports recommended to be annexed to the parishes of Saint Margaret and Saint John in the city of Westminster respectively, nor to the Fourth Prebend in the Cathedral Church of Durham, which is, by an Act passed in the second year of His present Majesty's reign, to be annexed to the Archdeaconry of Durham, nor to the Prebends in the Cathedral Churches of Gloucester, Norwich and Rochester, which are respectively annexed to the Masterships of Pembroke College in Oxford and of Catherine Hall in Cambridge, the Provostship of Oriel College in Oxford, and the Archdeaconry of Rochester respectively, nor to any Prebend now enjoyed by the Bishops of Lincoln, Lichfield, Exeter and Salisbury in the Chapters of their respective Sees, nor to any Benefice without cure of souls

1.
Vacancies in Canonries, Prebendaries or Dignities not to be filled up.

souls which is in the patronage of any College in either of the Universities or of any private Patron, nor to any Canonry in the Chapter of Christ Church in Oxford by the vacancy of which the Canonries in the said Chapter shall be reduced below the number of *Six*, nor to any Prebend or Canonry in the Chapter of any other Cathedral or Collegiate Church in England, or of His Majesty's Royal Chapel of Windsor, or of the Collegiate Churches of Westminster or Ripon, by the vacancy of which the Prebends or Canonries in such Chapters respectively shall be reduced below the number of *Four*, nor to any Canonry in the Chapter of either of the Cathedral Churches of Wales by the vacancy of which the Canonries in such Chapter shall be reduced below the number of *Two*.

2. Act not to affect Act 5 & 6 Will. 4.

AND whereas an Act passed in the last Session of Parliament, intituled, " An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices without Cure of Souls, and for preventing the lapse thereof during the pending Inquiries respecting the State of the Established Church in England and Wales;" BE it Enacted, That nothing herein contained shall be construed to prejudice or affect the said Act, excepting such part thereof as provides that nothing therein contained shall prevent His Majesty, or any Archbishop, Bishop, or other Patron of any Dignity, Prebend, Canonry or Benefice without cure of souls, which at the time of the passing of the said Act might have or should thereafter become vacant, from appointing a successor thereto in case he should think proper to do so, but that such last-mentioned provision, except so far as it relates to any Canonry, Prebend, Dignity or Benefice hereinbefore excepted from the operation of this Act, be and the same is hereby repealed.

3. Recited Act to continue in force during continuance of this Act.

And be it Enacted, That all the provisions of the said Act, except as herein excepted, shall remain in full force during the continuance of this Act.

4. Duration of Act.

And be it Enacted, That this Act shall continue and be in force for *One* Year from the passing thereof, and if Parliament shall be then sitting, until the *End* of the Session of Parliament.

Ecclesiastical Appointments Suspension.

A

B I L L

For suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Lord John Russell.

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1836.

481.

29 *April* 1836.—6 WILL. IV.

(Ireland.)

A

B I L L

For the better Regulation of Ecclesiastical Revenues, and the Promotion of Religious and Moral Instruction in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS with a view of rendering the Incomes arising from Tithes more certain in amount and more easy of collection, several Acts have been from time to time passed for the establishment of Compositions for Tithes throughout Ireland; but the interposition of Parliament is further necessary in reference to various circumstances peculiar to that part of the United Kingdom: And whereas His Majesty has been pleased to issue a Commission, bearing date the Fifth day of August in the fifth year of His Majesty's reign, authorizing and directing the persons therein named to inquire whether adequate provision is now made for the Religious instruction and for the general Education of the People of Ireland: And whereas it appears by the First Report of the Commissioners named in such Commission, that in some Benefices there are no members of the Established Church, and in other Benefices few such members: And whereas it appears by Returns laid before Parliament, that in many instances the Income of Benefices is greatly disproportioned to the extent of Ecclesiastical duty required of the Incumbents; and it is therefore expedient to make provision for uniting and dividing Benefices, and for altering the boundaries and regulating the incomes thereof, with a view to a better distribution of Ecclesiastical Duties and Revenues: And whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus revenue shall be applied to the moral and religious education of the people, without distinction of religious persuasion; and also that the said Compositions for Tithes shall be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction being made upon the amount thereof in consideration of the greater facility and security of collection arising out of such transfer of the liability to the payment thereof from the occupying tenantry to the owners of such estates or interests; **BE it therefore Enacted,** by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the right of all persons in and to all Tithes or Compositions for Tithes heretofore accrued or at any time hereafter to accrue due in Ireland, shall wholly cease and determine; provided that nothing herein contained shall extend to any Arrears of Compositions heretofore accrued due and payable to or by any person entitled to the receipt or bound to the payment of the same by virtue of any such certificate of agreement as is mentioned in an Act passed in the second and third year of His present Majesty's reign, intituled, "An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of His late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent;" and provided further, that nothing herein contained shall extend to any Tithes, or Compositions for Tithes, for the recovery whereof any suit, action or other proceeding shall have been commenced previous to the day of in this present year, in any Court of Law or Equity.

1. Compositions for Tithes abolished, except arrears due by or to undertaking Landlords, 2 & 3 Will. 4, c. 119.

Saving for pending Suits.

2. All Sums payable by Instalment under 3 & 4 Will. 4, c. 100, remitted; and any Money heretofore paid thereunder to be refunded.

And be it Enacted, That so much of an Act made in the Third and Fourth years of the reign of His present Majesty, intituled, "An Act for the Relief of the Owners of Tithes in Ireland, and for the amendment of an Act passed in the last Session of Parliament, intituled, 'An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent,'" as makes any person entitled to the receipt of any Composition for Tithes liable as such to the King's Majesty for the repayment by certain instalments of any advances made under authority of the said Act; and also so much of the said Act as provides for the addition of certain sums to the Compositions for Tithes payable out of Lands in Ireland, and for the payment thereof, together with and in addition to the said Compositions; and also all provisions in the said Act contained in any way relating to the recovery of such Instalments and sums, or enabling any person liable to the payment of such Compositions to recover against any person any sum whatsoever on account of such liability, shall be and the same is and are hereby repealed: Provided further, That the Lords Commissioners of His Majesty's Treasury shall by warrant under their hands direct all such sums as may have arisen to the credit of the Teller of His Majesty's Exchequer in Ireland, on account of the Instalments heretofore accrued due under the provisions of the said last-mentioned Act, to be, in such manner as they may think fit, repaid out of any monies in the said Exchequer to the persons by or from whom any such Instalments may have been paid or recovered; and that any person entitled to the receipt of any Composition for Tithes, who may have received or recovered any sum added thereto by such Act shall repay the amount of such addition to the person by or against whom payment of the sum so added to the said Composition may have been made or enforced; and in like manner any person liable to the payment of the said Composition for Tithes, who may have received or recovered any sum whatsoever in right of such liability, shall repay the same to the person by or against whom payment of such sum may have been made or enforced, and in default of such repayment it shall be lawful for the persons entitled thereto under this Act to recover the amount by action of debt or on the case, or, if not exceeding *Twenty* Pounds by Civil Bill in the Court of the Assistant Barrister for the county in which the Defendant may reside, or in the Court of the Chairman of the Sessions of the Peace for the county of Dublin when the defendant may be resident in such county: Provided always, That no proceeding taken, or thing heretofore done under the provisions of the said Act hereby repealed, shall be deemed, notwithstanding the repeal thereof, to have been unlawful.

3.
All Lands subject to the payment of Tithe Compositions, charged with an annual Sum by way of Rent-charge, equal to Seven Tenths of such Compositions, to be payable by the party having the first estate of inheritance, &c. in such Lands.

And be it Enacted, That every Parcel of Land charged with or in respect whereof the said Tithe Compositions, or any Applotment or Assessment thereof, would have been payable if this Act had not been made, shall be and become severally liable to and charged with the payment of an annual sum or Rent-charge equal to *Seven-tenths* of the annual amount of such Tithe Compositions, and that such Rent-charges shall be payable by the party having in such Lands respectively the first estate of inheritance, or other estate or interest equivalent to a perpetual estate or interest, as hereinafter defined, under which or derived wherefrom there shall be no such perpetual estate or interest, according to the quantity of such Lands comprised in each such estate or interest; and that the first payment of such Rent-charges shall become due on the *First* day of *December* in this present year, and the subsequent payments thereof on the *First* day of *November* in each succeeding year: Provided that although such Tithe Compositions may have been separately applotted or assessed upon different portions of such

such Lands, the Lands comprised in each such estate or interest shall be charged with the annual payment as aforesaid of one entire sum or Rent-charge equal to *Seven-tenths* of the gross annual amount of such several applotments or assessments: And provided further, that the amount of such Rent-charges shall be computed on the gross amount of such Tithe Compositions as stated in the certificates thereof respectively, without regard to any deduction of *Fifteen* pounds per centum to which any person who may have undertaken the payment of such Tithe Compositions would have been entitled under the provisions of the hereinbefore recited Act of the second and third years of His present Majesty's reign.

4.
What shall be deemed equivalent to an Estate of Inheritance or perpetual Estate.

And be it Enacted, That any estate or interest held under any deed or instrument containing any provision, contract or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years whereof at least *One hundred* shall be to come and unexpired on the *Thirtieth* day of *November One thousand eight hundred and Thirty-six*, and any estate held by lease or demise immediately from and under any Archbishop, Bishop, or other Ecclesiastical person, in any Lands belonging to the See or other spiritual promotion or dignity of such Archbishop, Bishop or other Ecclesiastical person, or under the Ecclesiastical Commissioners for Ireland, being parcel of the Lands vested or which may become vested in them under the provisions of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," shall be deemed and taken to be, for all purposes relating to the said Rent-charges, equivalent to a perpetual estate or interest; and that each tenant in dower or tenant by curtesy, and each person having, under the limitations of any Settlement by Deed, Will, Act of Parliament or otherwise, any estate for life or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be during such his interest liable to the payment of such Rent-charge as fully to all intents and purposes as if he were seised of or entitled to the whole estate in such inheritance or perpetual interest.

3 & 4 W. 4. c. 37.

5.
If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

Provided, and be it Enacted, That where by the laws now in force in Ireland any person shall be entitled to hold and occupy under any lease or demise the Lands thereby demised free from the payment of Tithes or Composition of Tithes, he shall not be liable to the payment of the said Rent-charge, but the party having in such Lands the first estate of inheritance, or other equivalent estate or interest, as before described, expectant or in reversion, and who would not be entitled to a like exemption under the laws aforesaid, shall be liable to such payment: And provided further, That in case of the forfeiture, surrender, or

On determination of any

641

or other determination of any estate or interest, the owner whereof may be liable to the payment of such Rent-charge as aforesaid, the party having the first estate of inheritance, or other equivalent estate or interest, as before described, in remainder or reversion, shall become liable to the said payment of such Rent-charge: And provided further, that in case of any such devolution of interest, no more than the amount of *One* year's arrear of Rent-charge shall be a charge on the Lands subject to the payment of such annual Rent-charge.

Estate chargeable with Rent-charge, the next Estate shall become chargeable.

6.

If any Person who would have been liable to Tithe Composition, hold mediately or immediately under the Person liable to such Rent-charge, the amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

And be it Enacted, That whenever any Person who would have been liable to the payment of any Composition for Tithes if this Act had not been made, shall hold the Lands in respect whereof such Composition for Tithes would have been so payable as Tenant or Subtenant under the person liable to the payment of such Rent-charge as aforesaid, then and in such case an annual sum equal to the amount of such Rent-charge shall be payable to the person so liable to the payment of such Rent-charge by the next immediate Lessee holding under him, such sum to become first due on the *First* day of *December One thousand eight hundred and Thirty-six*, and to be then payable by one entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times and by such quarterly or half-yearly or yearly payments as the rent due and payable by such lessee may be reserved and made payable, and together therewith, in like manner to all intents and purposes as if such sum had been mentioned in the same lease, instrument or demise, and expressly reserved and made payable thereby; and the person liable to such rent-charge as aforesaid shall have such and the like remedies to enforce payment of such sum, by distress, ejectment or re-entry, or by action of debt, covenant or otherwise, as he may have to enforce payment of the rent reserved by such lease, instrument or demise; and the said next immediate lessee, in case he himself would not have been liable to the payment of such Tithe Compositions as aforesaid, shall be in like manner, and by all such and the like remedies, entitled to receive and recover of and from his immediate Sub-lessee such annual sum from time to time accruing due and payable, and so on each Lessee recovering from his Sub-lessee downwards to the person who would have been primarily liable to the payment of such Tithe Compositions if this Act had not been made: Provided always, That in the case of the land being divided among several Lessees or Sub-lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the land which such Lessee or Sub-lessee, or any other person with him jointly may hold: And provided further, That where any person would have been liable, under the Provisions of any Law now in force in Ireland, to make payment of any Composition to any Landlord or person entitled to the receipt of the same by virtue of any such certificate of agreement as is mentioned in the hereinbefore recited Act of the second and third year of His present Majesty's reign, such person liable to make payment of such Composition to the person entitled thereto by virtue of such certificate shall be deemed to be within the meaning of this Act the person primarily liable thereto; and where the Lessee or Occupier of any lands may be entitled to deduct out of the Rent payable by him to his Landlord the amount of any Composition, such Landlord shall be deemed to be within the meaning of this Act the person primarily liable thereto.

7.
Such Leases, &c. of Tithes, as have now the effect of suspending Compositions shall determine, and none other.

And be it Enacted, That in any case where the effect of any Composition may be by any law now in force suspended in consequence of any Lease of Tithes, or Agreement in writing respecting the same, every such Lease or Agreement having such effect as aforesaid, but none other, shall from and after *the passing of this Act*, wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the Lands which would, if this Act had not been made, have upon the termination of such Lease or Agreement become subject to the payment of any Composition for Tithes, shall be and become severally charged with an annual sum or Rent-charge equal to *Seven-tenths* of the amount of such Composition, and an annual sum equal in amount to such Rent-charge shall become payable to the persons from time to time liable to the payment of such Rent-charge, and to their Lessees and Sub-lessees, in like manner as hereinbefore provided in cases where the effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, That if it shall appear to the Commissioners of Land Revenues that any payment on account of this present year shall, previous to the *passing of this Act*, have accrued due by virtue of or under such Lease or Agreement, the amount thereof shall be deducted from the Rent-charge accruing due on the *First* day of *December* in this present year, and the residue only shall be then payable.

8.
Where Leases at Rack-rent have been made, after the establishment of any Composition in pursuance of 4 Geo. 4, c. 99, the Rents shall be reduced in proportion to the difference between such Composition and the Rent-charge payable under this Act.

AND whereas by an Act passed in the Fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to provide for the Establishment of Compositions for Tithes in Ireland for a limited time," it was enacted, That whenever under the Provisions of that Act any Compositions should be made for Tithes payable in any parish, every person who should afterwards set, let or demise any Land lying within such parish at a rack-rent, should make such lease or demise free from the payment of Tithes during the continuance of such Composition; and that in such case it should be lawful for the Lessee or Occupier of such land, and every such Lessee or Occupier was thereby required to pay the amount of such Composition to the person entitled to such Composition; and that it should be lawful for such Lessee or Occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such Lessee or Occupier of such land to his immediate landlord; and it was further enacted by the said recited Act, That in case such Composition should cease and determine at any time during the continuance of such lease, the rent reserved in such lease should be reduced in amount by a sum equal to the amount of such Composition: And whereas in all such cases of Land set, let or demised at a rack-rent, in any parish in Ireland at any time after the establishment of such Composition for Tithes therein, the amount of such Composition has by reason of the said recited enactments been added to and made payable together with and as part of the rent: And whereas a certain reduction is to be made by this Act in the amount of each such Composition, in converting the same into a Rent-charge; and it is just and reasonable that the persons who under the provisions of the said recited Act have been made subject to the payment of rents in which the amount of such Compositions have been included should have the benefit of the reduction so to be made in the amount of the Rent-charges payable in lieu of such Compositions; BE it therefore Enacted, That in all such cases of Leases made at a Rack-rent at any time after the establishment of a Composition for Tithes in any parish, of lands subject to the payment of such Composition, the Rent or Rents reserved upon and made payable in and by such Leases shall be reduced by a sum equal to the difference between the amount of the Composition heretofore payable in respect of such Lands, and the amount of the Rent-charges which will under the provisions of this Act become payable in lieu thereof, and that the party liable to the payment of such reserved Rent shall be entitled to deduct the amount of such difference accordingly.

9. Rent-charges to be under the management of Commissioners of Land Revenues.

And be it Enacted, That the said Rent-charges shall be vested in and payable to His Majesty, for the purposes hereinafter mentioned, and shall, until the *First* day of *November* in the year *One thousand eight hundred and Forty-three*, and afterwards, until Parliament shall otherwise direct, be under the management of the Commissioners of Land Revenues, subject nevertheless to the control of the Commissioners of His Majesty's Treasury, and shall be collected and paid into the Bank of Ireland by such receivers or other persons as shall be appointed by the said Commissioners of Land Revenues for that purpose, in the same manner as the Land Revenues and Rents of the Crown in Ireland; and that the said Commissioners of Land Revenues, receivers and other persons authorized by them shall have the same powers, immunities, exemptions and remedies (except so far as hereinafter otherwise provided) and give the same or the like security with respect to the same Rent-charges, for the collection and recovery thereof; and such receivers and other persons, and their respective sureties, shall be accountable in the like manner and to the like extent, and discharged in the like manner as if the said Rent-charges were parcel of the Rents of the Crown in Ireland, and as if such Rent-charges had been included in the several provisions of the Acts now in force for the collection, receipt and payment of the Land Revenues and Rents of the Crown in Ireland: Provided always, That no such Rent-charge shall be merged or extinguished by reason of the whole or any part of the Land charged therewith being now or at any time hereafter vested in His Majesty: And provided also, That accounts of the receipts and payments of the said Commissioners of Land Revenues under or occasioned by this Act shall be kept distinct from their other accounts, and that the said Commissioners shall keep a separate account or separate accounts with the Bank of Ireland, to which all monies and securities arising from or in respect of the said Rent-charge shall be paid; and that separate reports of the proceedings of the said Commissioners under this Act shall be laid before His Majesty and the two Houses of Parliament in the same manner and at the same times as is by law required respecting the Land Revenues of the Crown.

10.
Commissioners of Land Revenues, with consent of Treasury, may make Regulations for collection, &c. of Rent-charges.

Provided always, and be it Enacted, That it shall be lawful for the Commissioners of Land Revenues, or any *Two* of them, with the consent of the Commissioners of His Majesty's Treasury, to make such new or other general or special orders and regulations respecting such collection, receipt and payment, and the duties of the persons who shall be employed in the collection and receipt of the same Rent-charges, and the securities to be given by such persons and their sureties, and for the payment of the monies arising in respect of the said Rent-charges into the said Bank of Ireland, as to the said Commissioners of Land Revenues, or any *Two* of them, shall appear expedient for the purposes of this Act; and that all such orders, regulations and directions shall have the same force as if the same were hereby enacted; and that all such orders, regulations and directions for the time being in force at the commencement of each Session of Parliament, and which shall not have been previously submitted to Parliament, shall from time to time, within *One* week after the commencement of every such Session, be laid before both Houses of Parliament.

11.
Compositions for Tithes may be revised on application to the Commissioners of Land Revenues.

AND whereas it is just and expedient, with a view to a final and satisfactory settlement of the amount of the said Compositions for Tithes and the Rent-charges payable in lieu thereof, that the calculations on which such Compositions have been established should be subjected to revision where a proper primâ facie case for revision may be made out; BE it therefore Enacted, That it shall and may be lawful for any person or persons in any parish, who would have, been in case this Act had not been made, individually or collectively liable to the payment of more than *One-half* of the amount of the whole Composition established in and for such Parish, whether the several sums payable by him or them respectively shall be or may have been payable to any party entitled to the receipt of any Composition, or to any Landlord who may have taken upon him the payment of such Composition, at any time within *Six* Weeks after the *passing of this Act*, to apply to the said Commissioners of Land Revenues on behalf of such Parish for a revision of the Composition established therein; and in like manner it shall be lawful for any person who would have been, in case this Act had not been made, entitled to any Composition for Tithes, to apply within the said period of *Six* Weeks to the said Commissioners for the revision of such Composition; and notice of every such application shall be posted on the church door or the usual place of posting Grand Jury notices, and once inserted by or on behalf of the applicant party in some newspaper circulating within such parish within *Ten* Days next after such application shall be made: Provided, That where the effect of any Composition may have been suspended previous to the *passing of this Act* by virtue of any lease or agreement in writing, the owners and occupiers of any Lands upon which collectively a sum exceeding *One-half* of the amount of such Composition may have been applotted shall be deemed and taken to be qualified within the meaning of this Act to make such application.

12.
Grounds on which applications for Revision may be founded, shall be submitted to the Commissioners of Land Revenues for their consideration, and if found sufficient, such Revision shall be allowed.

And be it Enacted, That every such application shall be accompanied by a statement and specification in writing of the particulars, grounds and reasons for making the same; and the material allegations of every such statement shall be verified by some one or more credible person or persons, according to the best of their knowledge and belief, on oath before one or more of the Justices of the Peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by such statement, so verified, the said Commissioners of Land Revenues shall find that the amount of such Composition exceeds by more than *One-fifth* the actual amount of the average of the sums really and truly paid, or really and truly agreed to be paid, or really and truly due and adjudged to be paid during the *Seven* Years on the average of which such Composition was calculated, or shall find that any sum was added to the actual amount of the average of such true and real sums without just and sufficient grounds and reasons for such addition, or shall find that any fraud, concealment, misrepresentation or circumvention was practised upon the entering into such Composition, whereby the amount of such Composition was unduly affected, or shall find that such Composition was made upon ex parte evidence, whereby the amount of such Composition was unduly affected, then and in every such case the said Commissioners shall transmit the statement accompanying each such application to the Lord Lieutenant of Ireland, together with a copy of the Certificate of such Composition to which such statement refers, and a certificate under their hands that such Composition is proper to be revised, specifying the ground and matter of revision, and the said Lord Lieutenant shall cause the same to be revised accordingly in manner hereinafter mentioned: Provided always, That when an appeal from any

Certificate of Composition has before the *passing of this Act* been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, it shall be at the discretion of the Lord Lieutenant to cause such Composition to be revised, or not, as he shall deem just.

13.
Barristers to be appointed for the purpose of such Revision.

And be it Enacted, That the said Lord Lieutenant shall by warrant under his hand appoint for the duty of revising all such Compositions as shall be so certified to need revision, so many Barristers as he or they may think necessary, of not less than *Six* Years standing at the Irish Bar, and shall refer each such Composition for revision, together with the statement and certificate of such Composition so transmitted to him by the said Commissioners of Land Revenues, to any *Three* or more of such Barristers, and shall appoint the time and place or times and places at which they shall proceed with such revision; and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such *Three* or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that however not less than *Three* such Barristers shall be authorized to proceed with the revision of any such Composition.

14.
Rules to be observed in the Revision of Compositions under this Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public notice of the several times and places at which, pursuant to such order and direction, they will hold Courts for such purpose, as well by advertisement to be inserted at least *Ten* Days previous to each such time in some newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury Presentments at Special Sessions for the division or district in which each such parish may be situate; and at the time and places so notified such Barristers shall in open Court proceed to revise each such Composition, and shall in the first place inquire into and ascertain the manner in which each such Composition may have been calculated, and require the party who may have applied for such revision to sustain his or their objections thereto, and to produce evidence in support thereof; and such Barristers, having heard all such objections and evidence relating to such objections as shall be offered or made by or in behalf of any party entitled or who may have been entitled to such Composition, or by or in behalf of any owner or occupier of land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, or in respect of any of the matters set forth in the statement or specification made to the Commissioners of Land Revenues as before mentioned, and shall make such Order for confirming, increasing or decreasing the amount of each such Composition as they shall think

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just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on account of Tithes in any such parish shall not have varied above *One-fifth* part of the average annual amount of the whole during the series of *Seven* Years with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such *Seven* Years, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value, or that more was due: And provided further, That where any sum shall have been included in computing the amount of any such Composition on the evidence of any promissory note or other instrument or agreement, or of any adjudication made by any Ecclesiastical or other Court or Justices, in default of the appearance of the party against whom such adjudication may have been made, the said Barristers shall receive evidence, if offered, that the real value of the Tithes in respect whereof such promissory note, instrument or agreement, or adjudication may have been made, was less than the amount thereof; and in all cases where such lesser value shall be proved, shall, after hearing evidence in support of such Composition, correct accordingly the amount of such Composition: And provided further, That when any sums shall have been added to the average amount of the Tithe paid or agreed or adjudged to be paid during any such series of years as aforesaid, the said Barristers shall examine into the sufficiency of the grounds and reasons upon which such addition has been made as set forth in the statement subjoined to the Certificate of such Composition, and shall allow or disallow the same, and deduct or reduce, or increase, the sum so added, as to them shall seem just: And provided further, That where the Tithes of any Land, not having been actually paid or adjudged to be paid during the series of years with reference whereto any Composition may have been calculated, such Tithes have been estimated or calculated according to the payments made for Tithes of the like kind in the same or any adjoining parish, or according to such information as may have been obtained, the said Barristers shall inquire into the facts and the accuracy of such information, and the fairness of any such estimate, and amend or confirm the calculation of such Composition accordingly: And provided further, That where the amount of any Composition shall have been fixed by agreement, such amount not having been ascertained by any Commissioner or Commissioners, or Umpire, under the provisions of the said-recited Acts, and that it shall appear that either of the parties thereto entered into such agreement in ignorance of any facts the knowledge whereof was material to making an equitable arrangement between them, or under any concealment or misrepresentation of such facts, and that such agreement was unjust, the said Barristers shall inquire into and ascertain and fix the just amount of Composition which ought to be established in lieu of the sum so fixed by agreement: And provided further, That where in the calculation of any such Composition it shall appear to the said Barristers that any sum has been included on account of the Tithes of any Land which they shall deem to have been Tithe-free, the said Barristers shall exclude such sums in calculating the amount of such Composition; and if such Barristers shall entertain any doubt or difficulty in determining the Exemption of any such Land from Tithe, it shall be lawful for the Courts of Chancery and Exchequer in Ireland, upon the petition of the said Barristers showing the facts of the case, (which said Barristers are hereby required to ascertain and state according to the best information they can procure) either to make an Order allowing or disallowing such Claim of Exemption, or referring the matter to any Master, or to the Chief or Second Remembrancer, with liberty for the parties interested in the determination of such matter to attend him, and with such other directions as the Court shall deem proper, or to direct such feigned issue or other proceeding as the Court in its discretion may deem proper for ascertaining the Exemption or Non-exemption of such Lands; and in case of any such application to either of the said Courts, the said Barristers shall proceed with the Revision of such Composition, and fix the amount thereof, without reference to such Claim of Exemption; provided, that if the matter be determined in favour of the party claiming such Exemption, such Court shall direct the said Commissioners of Land Revenues to reduce the amount of Rent-charge payable in lieu of such Composition, and amend the Rental of such Rent-charges accordingly; and the costs of such petition and reference, or other proceedings, shall be in the discretion of such Court, and payment thereof enforced against any of the parties interested in such matter who may appear to litigate the same, by attachment or otherwise, as such Court may direct.

15.
Composition may be reduced or increased by Agreement between the Land Owners and Tithe Owner.

Provided always, and be it Enacted, That if any party or parties entitled or who would have been entitled, in case this Act had not been made, to any Composition for Tithes established in any parish, shall offer to reduce or increase the amount of any such Composition, and shall signify such offer in writing, stating the amount of the sum or several sums so proposed to be substituted for the amount of such Composition, and if such offer shall be assented to and accepted in writing by a majority in value of the persons, who, if this Act had not been made, would have been liable to the payment of the Composition established in such parish, or if any Composition for Tithes in any parish has been by any agreement between the parties interested, or any award in writing, or other written document, reduced or increased, or agreed to be reduced or increased, the sum or sums so agreed upon or awarded shall be binding on the said Commissioners of Land Revenues and the said Barristers, and shall be fixed as the amount of such Composition, and the Certificate thereof amended accordingly.

16.
Barristers revisig Compositions shall make order for payment of the Expenses by such Party as they think fit, subject to certain Rules.

And be it Enacted, That the said Barristers shall adjudge the Expenses of each Revision to be paid by the party or parties entitled or who would have been, if this Act had not been made, entitled to such Composition, and by the owners or occupiers of Land subject to such Composition or the Rent-charges payable in lieu thereof, in such proportions as to such Barristers shall seem just: Provided always, That if upon such Revision such Composition shall not be reduced *One-seventh* part of the whole, and that such Revision shall have taken place upon the application of such owners or occupiers of Land, the whole of such expenses shall be paid by them, and that if such Composition shall not be increased *One-seventh* part of the whole, and that the Revision thereof shall have taken place upon the application of any party entitled or who would have been entitled, if this Act had not been made, to such Composition, the whole of such expenses shall be paid by such party: And provided further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either of the parties to such Revision, to the other of such parties, in cases where in the discretion of such Barristers such payment may be proper and just; and payment thereof may be enforced by action of debt or on the case, or by Civil Bill in the Court of the Assistant Barrister; and the production of an Order attested under the hands of any *Two* such Barristers shall be sufficient evidence of the liability of the Defendant to pay the sum therein expressed to the Plaintiff suing for the same.

17.
Barristers shall transmit their Award to the Lord Lieutenant, to be laid before the Commissioners of Land Revenues, who shall amend Rentals of Rent-charges and Applotments accordingly.

And be it Enacted, That such Barristers, having made such Order and Adjudication as aforesaid, shall transmit the same, attested under their hands or the hands of any *Two* of them, together with the copy of the Certificate of the Composition to which the same may relate, to the said Lord Lieutenant, who shall cause the same to be delivered to the said Commissioners of Land Revenues; and such Commissioners shall cause the Certificate and Applotment of such Composition, and the Rental of the Rent-charges payable in lieu thereof, to be amended, if necessary, according to such Order; and such amendment shall take effect from and after the *First* day of *November* now last past, but shall be without prejudice to any arrears of Composition theretofore due and recoverable under the provisions of this Act.

18.
Lord Lieutenant may order Advances from the Consolidated Fund to defray the Expenses

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such sum or sums of Money as he or they may think necessary shall from time to time be advanced out of the produce of the Consolidated Fund arising in incurred in Revision of Composition.

Ireland, for defraying the expenses to be incurred in the revision of such Compositions as aforesaid under the provisions of this Act, not exceeding the sum of Pounds with respect to any one parish; and that all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the Chief Secretary, or in his absence by the Under Secretary.

19.
Barristers may compel attendance of Witnesses.

And be it Enacted, That the said Barristers holding any such Court shall have power to adjourn the same and the Revision of each such Composition, from time to time and from place to place, as they may think proper, subject to the orders and directions of the said Lord Lieutenant; and for the purpose of revising such Compositions as aforesaid, such Barristers shall have and they are hereby invested with all and every the powers and authorities which it is by the said Acts in force in Ireland for establishing Compositions for Tithes, provided that any Commissioner or Commissioners acting thereunder may use and exercise for ascertaining and fixing the amount of any Composition to be established under the provisions of the said Acts; and the said Barristers shall have power and authority to call before them, by a summons in writing under the hands of any *Two* of them, and to examine, the respective Commissioner or Commissioners, or Umpire, by whom each Composition may have been established, or any other person, whether interested or not interested in the matter of such revision, whom they judge fit and necessary to examine touching the matter of such revision; and they shall also have authority to require such Commissioners or Umpire, or any other person, having in his or their possession or power any books, papers, writings, accounts or other documents material to the calculation of such Composition or to the revision thereof, to produce the same; and the said Barristers shall have power and authority to administer an oath or affimation to any person who may be so summoned, or to any witness who may be tendered, and all such persons so summoned before such Commissioners are hereby required to give evidence and information accordingly; and if any person so summoned, whether personally or by notice left at his usual residence, shall not attend pursuant to such summons, or shall decline or refuse to give evidence, or shall refuse to produce any books, papers, writings, accounts or other documents of which the said Barristers may lawfully require the production, it shall be lawful for such Barristers either to make application to any of His Majesty's superior Courts at Dublin for an attachment against such person, which attachment shall issue out of such Court accordingly, on due proof by affidavit of the service of such summons and the default of the person so summoned, and be proceeded with in like manner and with the like penal consequences to the party disobeying such summons, as if the same had been a Subpœna ad testificandum or Duces tecum issuing out of such superior Court; or it shall be lawful or such Barristers, upon complaint upon oath made to them, to convict such person summarily in such penalty, not exceeding *Fifty* Pounds, as they shall think fit, and in default of payment to commit such person to the Gaol of the county or place in which such Barrister shall be sitting, for any period not exceeding *Three* calendar Months.

20.
Barristers may allow Expenses to Witnesses not interested in the matter.

And be it Enacted, That where any person who may have acted as a Commissioner or Umpire in the establishment of any such Composition, or any other person, not being a party interested in the matter of such revision, either as the owner or occupier of Land subject to such Composition, or as a party who would have been entitled to the receipt thereof if this Act had not been made, shall appear before the said Barristers, and be by them required to give evidence, it shall be lawful for such Barristers, at their discretion, to order such reasonable allowance to be paid to such person, for his actual expenses and loss of time as they may think proper; and such Order shall be made under the hands of such Barristers, and directed to such person as the said Lord Lieutenant shall appoint to make payments conformably to such orders; and such money shall be paid accordingly, and included in the expenses of the revision of such Compositions, and repaid in like like manner and as part thereof.

21.
Witnesses and Barristers how to be paid, and Expenses of Revision how to be repaid.

And be it Enacted, That every Barrister appointed for the duty of revising such Compositions as aforesaid shall be paid at the rate of *Five* Guineas for every day that he shall be so employed; and all such Barristers who shall be so employed together shall, after the termination of their sitting at each place, lay or cause to be laid before the said Lord Lieutenant of Ireland a statement of the number of Days during which they and each of them shall have been so employed, specifying in such account, where more than one Composition may have been revised at one place, the time employed and the expenses incurred in and about the revision of each such Composition respectively; and such Lord Lieutenant shall make an Order for the amount ascertained to be due to each such Barrister as aforesaid, to be paid to him out of the said Consolidated Fund; and the said Lord Lieutenant shall authorize and direct an account to be kept in the office of the Vice Treasurer of Ireland, of the amount of the money so advanced on account of the expenses of the revision of such Compositions respectively; and where any expenses shall have been incurred on account of the revision of several Compositions conjointly, the amount of such joint expenses shall be apportioned amongst them in such manner and proportions as the said Lord Lieutenant shall direct; and in case it shall have been adjudged that the owners or occupiers of Land within the Parish in which any such Composition may have been established should pay such expenses, or any proportion thereof, a Certificate of the amount of the money so payable by such owners or occupiers shall be transmitted, under the hand of the Chief or Under Secretary of the said Lord Lieutenant, to the said Commissioners of Land Revenues, who shall assess rateably, according to the amount of Rent-charges payable by them respectively upon the persons liable to Rent-charge in the Parish wherein such Composition may have been established, the amount of such expenses or the proportion thereof adjudged to be paid by them, and levy and recover the same from such persons, together with and in addition to the Rent-charges then next payable; and in case such expenses or any part thereof shall have been adjudged to be paid by any party who would have been entitled to any Composition for Tithes if this Act had not been made, a like Certificate shall be transmitted to the Ecclesiastical Commissioners for Ireland, who shall deduct the amount of such expenses, or the proportion thereof adjudged to be paid by such party, from and out of any payment or payments to be made by warrant as hereinafter mentioned to such party, or to any party claiming such payment or payments in the same right or character, or by and under the same title or any title derived therefrom; and such Commissioners of Land Revenues are hereby authorized and required to pay over the amount of such expenses so recovered or deducted, pursuant to the order and direction of the Commissioners of His Majesty's Treasury, and the money so paid over shall be applied to replace the sums so advanced out of the said Consolidated Fund.

22.
Appeals now before Privy Council may be referred to Barristers under this Act.

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to cause such Compositions concerning which any appeal is now pending before the Lord Lieutenant and Privy Council, or before any Judge of Assize, and remaining undecided, to be revised by Barristers to be appointed as herein directed, in the same manner and subject to the same provisoes and enactments as are provided and enacted with respect to Compositions to be revised under the provisions hereinbefore contained: Provided always, That the parties concerned in such appeals shall not be liable to any other or greater costs than they would have been if this Act had not been made.

23.
Proceedings where the Liability of Lands to Rent-charge shall be disputed.

AND forasmuch as the Rent-charges made payable by this Act will be charged upon the Lands heretofore subject to the payment of Compositions for Tithes, it is expedient to make provision for the more cheap and convenient determination of the liability to such Compositions; BE it therefore Enacted, That where any person having any interest in the Land whereon any such Rent-charge shall appear charged, shall dispute the liability of such Land thereto, by reason of such Land having been Tithe-free, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the petition of any such person in a summary way, to make such Order, allowing or disallowing such claim of exemption, and to take such other proceedings thereon as are hereinbefore directed in the case of the petition of the said Revising Barristers, or to direct such feigned issue, or reference to any Master of the Court or the Chief or Second Remembrancer, or other proceeding as such Court shall think proper for the purpose of ascertaining whether such Lands would have been rightfully charged with Tithe Compositions if this Act had not been made, or if such Compositions had not been suspended; and if it shall appear to the Court that such Land would not have been rightfully charged with such Composition, it shall be lawful for the said Court to declare such Lands exonerated from such Rent-charge, and to make any Order for the amendment of the Rentals hereinafter mentioned, or any of them, and such Rentals shall and may be amended accordingly.

24.
What Prescriptions to be valid in Law in case of claims of Exemption from Tithes.

And be it Enacted, That all Claims of Exemption from or discharge of Tithes or Compositions for Tithes shall in all cases whatever be sustained and be deemed good and valid in law, upon evidence showing the enjoyment of the Land without payment or render of Tithes, money or other matters in lieu thereof, for the full period of *Thirty* Years next before the *passing of this Act*, unless the render or payment of Tithes or of money or other matter in lieu thereof shall be shown to have taken place at some time prior to such *Thirty* Years, or it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the claim of exemption shall be extended to the full period of *Sixty* Years next before the *passing of this Act*, such claim shall be deemed absolute and indefeasible, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar or other Corporation sole, whether spiritual or temporal, or by the said Ecclesiastical Commissioners, then every such prescription or claim shall be valid and indefeasible, upon evidence showing such enjoyment had as is hereinbefore mentioned for and during the whole time that *Two* Persons in succession shall have held the office or Benefice in respect whereof such render of Tithes in kind might have been claimed, and for not less than *Three* Years after the appointment and institution or induction of a *Third* Person thereto: Provided always, That if the whole time of the holding of such *Two* Persons shall be less than *Sixty* Years, then it shall be necessary to show such enjoyment had not, only during the whole of such time, but also during such further number of years either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of *Sixty* Years, and also for and during the further period of *Three* Years after the appointment and institution or induction of a *Third* Person to the same Office or Benefice, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing.

25.
To what Cases the hereinbefore contained Provisions shall not extend.

Provided always, and be it Enacted, That the Provisions hereinbefore contained with respect to the establishment of Claims of Exemption from or discharge of Tithes, shall not extend to any case where the Tithes of any Land shall have been demised by deed for any term of life or number of years, or where any Composition for Tithes shall have been made by deed or writing by the person or Body Corporate entitled to such Tithes with the owner or occupier of the Land for any such term or number of years, and such demise or Composition shall be subsisting at the time of the *passing of this Act*; nor to any Suit for establishing a claim to Tithes, which was pending on the *First* day of *June* in the present year.

26.
Time during which Lands shall be held by persons entitled to the Tithes thereof to be excluded in the Com putation; as also the Time during which any person capable of resisting any Claim shall be an Infant, &c.

Provided, and be it further Enacted, That where any Lands or tenements shall have been held or occupied by any Rector, Vicar or other person entitled to the Tithes thereof, or by any person compounding for Tithes with any such Rector, Vicar or other person, whereby the right to the Tithes of such Lands may have been or may be during any time in the occupier thereof, or in the person entitled to the Rent thereof, the whole of every such Time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned: Provided also, That the Time during which any person otherwise capable of resisting any claim to any such exemption or discharge as aforesaid shall have been na Infant, idiot, non compos mentis, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

27.
What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

And be it further Enacted, That in all Proceedings to be taken after the *passing of this Act*, for the purpose of determining the Exemption or discharge of any Lands from Tithes, it shall be sufficient to allege that the exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and any provision, exception, incapacity, disability, contract, agreement, deed or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

And

28. No Presumption allowed in support of any Claim for any less period than herein mentioned.

And be it further Enacted, That in the several cases mentioned in and provided for by this Act, no Presumption shall be allowed or made in favour or support of any claim of exemption, upon proof of the exercise or enjoyment of the right claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

29. When Tithe-free Lands have been subjected to Composition, such Composition shall be reduced.

And be it Enacted, That where any Lands made subject to the payment of any part of a Composition (the amount of such Composition not having been fixed by agreement) shall by virtue of any decision in law or equity have been or at any time shall be declared to be exempt from the payment of Tithes, it shall be lawful for the said Commissioners of Land Revenues to nominate and appoint some proper person to inquire into and ascertain, by examination of the Commissioner or Commissioners, or Umpire, as the case may be, by whom such Composition may have been established, or otherwise upon the best evidence which can be procured, the sum included in the amount of such Composition on account of the Tithes of such Land; and the Rent-charges payable out of such parish, under the provisions of this Act, instead of such Compositions for Tithes, shall be reduced proportionably, and the hereinafter mentioned Rental thereof framed or amended accordingly; and the said Commissioners of Land Revenues shall from time to time as need may be, certify to the said Ecclesiastical Commissioners any diminution which may be made in the amount of such Rent-charges, and the payments to be made under the provisions hereinafter following to the persons who would have been entitled to Compositions for Tithes if the same had not been by this Act abolished, shall be diminished accordingly.

30. Persons entitled to Compositions, to deliver up the copies of Certificates and Applotment Books.

And be it Enacted, That the several persons entitled to Compositions for Tithes shall with all convenient speed after the *passing of this Act*, transmit and deliver up to the said Commissioners of Land Revenues the copies of the Certificates of such Compositions and of the Books of Applotment in the possession of such persons respectively; and the said Commissioners shall, if need be, cause such copies to be compared with the originals thereof, and amended accordingly; and in case such copies of the Certificates and Books of Applotment shall not be forthcoming, it shall be lawful for the said Commissioners to cause copies to be made from the originals thereof by some person to be by them appointed for that purppose.

31. Penalty on any person neglecting to deliver such Documents to Commissioners within a Month from passing of Act.

And be it Enacted, That if any such person as aforesaid shall refuse or wilfully neglect to deliver to the said Commissioners the documents hereinbefore mentioned within *One* calendar Month next after the *passing of this Act*, he shall be liable to be sued for the sum of *One hundred* Pounds, to be recovered by an Action of Debt or

Information in the name of His Majesty's Attorney General, in any of His Majesty's Superior Courts of Record at Dublin; and the jury may in any such action find a verdict for the sum of *One hundred* Pounds, or for any sum not less than *Ten* Pounds, as they shall think just, and the defendant against whom such verdict shall be found shall pay the amount thereof, with full costs of suit, to the use of His Majesty.

32.
The Commissioners of Land Revenues may amend Applotments.

And be it Enacted, That in any case in which it shall appear to the satisfaction of the said Commissioners of Land Revenues at any time within *Six* Months after the *passing of this Act*, that the Applotment of any Composition is defective or unjust, or does not with sufficient precision ascertain the Lands and Holdings in respect whereof, or the persons by whom, the said Rent-charges will be henceforth payable, it shall and may be lawful for the said Commissioners, at any time within *Six* Months after the *passing of this Act*, to direct such Applotment to be amended, and for that purpose to appoint some One or more skilful person or persons, who shall therein have and exercise the like powers, privileges and authorities, and observe the several regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such instructions and directions as the Commissioners of Land Revenues shall prescribe for the avoiding any defect or uncertainty to which the original Applotment may have been liable; and such amended Applotment shall be returned to the said Commississioners, attested under the hand of the person or persons making the same, and the original Book of Applotment shall be amended accordingly; and such amended Book of Applotment shall be in the place and stead of the said original Book of Applotment, and be valid and effectual to all intents and purposes for which the said original Book of Applotment would have been valid and effectual, but in the meantime such original book shall be in full force and effect; and the said Commissioners shall pay to the person or persons employed by them for the purposes aforesaid such remuneration as they shall think reasonable; and it shall be lawful for the said Commissioners, if they shall so think fit, to assess upon the persons liable to such Rent-charges under any such Applotment the Expenses thereof, and to levy and recover the same together with and in addition to the Rent-charges then next payable.

33.
Distinct Rentals, showing the Rent-charges payable in each Parish shall be framed, and copies of Certificates, &c. to be transmitted to the Ecclesiastical Commissioners.

And be it Enacted, That the said Commissioners, having duly examined, compared and amended (as need may be) all such copies of Certificates and Applotments, shall cause to be framed therefrom distinct Rentals for each parish, and such rentals shall show the amount of the Rent-charges which will by virtue of this Act become payable to His Majesty out of each such parish, and the Lands in respect whereof the same will be so payable; and having caused such Rentals to be framed, the said Commississioners shall deliver all such copies of Certificates transmitted to them as aforesaid, or copies of such Certificates as amended (in cases where the same may have been amended under the provisions hereinbefore contained) to the Ecclesiastical Commissioners for Ireland, to be by them kept and preserved.

34.
The Rental shall be inrolled in the Office where the King's Rentals are preserved.

And be it Enacted, That the said Commissioners of Land Revenues shall cause the said Rentals, with such maps and plans thereto annexed as they may think necessary, to be deposited in the Office of Record in Ireland in which the original Rentals of the King's Rents are kept, and shall revise and amend such Rentals from time to time as they may find necessary; and any copy or extract therefrom, attested by the Officer in whose custody the same shall remain, and which copies the said Officer is hereby required to grant to any person applying for the same, on payment of such fee as the said Commissioners shall appoint, shall for the purposes of this Act be admitted in all Courts as conclusive evidence of the Rent-charges thereby appearing payable to His Majesty under this Act, and of all such matters and things as shall appear by such copy or extract, or be stated therein.

35.
Receivers shall give Receipts; and also enter Receipts in a Book to be lodged in the Record Office.

And be it Enacted, That every Receiver to be appointed by the said Commissioners of Land Revenues under this Act, shall be appointed by warrant under the hands and seals of *Two* or more of the said Commissioners, and a duplicate of every such warrant, to be in like manner executed, shall be inrolled within *One* calendar Month after the date thereof in the Office of Record in Ireland where the Rentals of the King's Rents shall be preserved; and every such Receiver shall, upon payment of any Rent-charge, give to the person paying the same a full and clear Receipt and Acquittance for what he shall receive, under his hand, wherein he shall state the sum so by him received, and for what Rent-charge, and for what Lands, and on what account the same shall be paid to him; and every such receipt shall be given without fee or reward; and that every such Receiver shall every year prepare a Book wherein he shall enter all the receipts or acquittances by him given for all the aforesaid Rent-charge, under his hand, and in the presence of the Parties paying the same respectively, which receipts the said Parties, or any other person on their behalf, may without fee or reward set their names to; and the said Receivers respectively shall yearly return the said Books, under their hands and on their oaths, into the Office of Record in Ireland wherein the Books of the Collection of Quit, Crown or Composition Rents are or shall be deposited, and the same shall there remain and be kept, not only as a charge on such Receivers respectively, but also as a discharge to the subject for all sums thereby appearing to be paid as aforesaid.

36.
Rent-charges how to be recovered.

And be it Enacted, That the said Rent-charges shall have priority over all other Charges, Liens, Mortgages and Incumbrances whatsoever, and shall and may be recovered by the ways and means hereinafter mentioned, and also by all such other ways and means as any Rent-charge payable to His Majesty may be recovered: Provided always, That in any suit, process or proceeding which may be taken for the recovery thereof, Costs shall be awarded and paid or received to or by either Party in like manner as in any suit, process or proceeding taken by or between subject and subject.

37.
Where Rent-charge in arrear, and the person liable thereto shall not be in occupation of the Lands charged therewith, or where such person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c

And be it Enacted, That in all cases where any Lands charged with the said Rent-charge shall be held or occupied by any person other than the person liable, under the provisions of this Act, to the payment thereof, it shall not be lawful to make any Distress upon such Lands, or upon any other Lands, Goods or Chattels of such person for such Rent-charge; but in all such cases, and also in all cases where the person liable to the payment of such Rent-charge may not be known to the Receiver, and such Rent-charge shall be in arrear and unpaid for the space of *Thirty-one* Days after the same shall have become due, it shall be lawful for a Court of Equity, upon application as hereinafter mentioned, and in default of its being shown to such Court that the person in occupation of such Land is liable to the payment of such Rent-charge, to make an Order that the Receiver or other person authorized by the said Commissioners of Land Revenues to demand payment of such Rent-charge shall receive the rents or such part of the rents of the Lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all arrears thereof, until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such Court, and also the costs out of pocket of such application, and that out of the sums so received such fees and costs shall be ordered to be paid; and that such Order shall be made upon the petition and affidavit of the said Receiver or other person authorized as aforesaid, after reasonable time given to show cause; and notice of the intention to make such application shall, *Ten* Days previous to making the same, be served upon the person, or the known Attorney, Agent or Steward of the person in receipt of or entitled to such rents, either by delivering such notice to the Party personally, or by leaving the same at his usual place of residence; and that the said Receiver shall be empowered by the said Court to recover the said rents, or so much thereof as may be necessary, by Distress and all such other remedies as Receivers in any manner appointed by Courts of Equity in Ireland are empowered to recover rents, according to the rules and practice of such Courts respectively.

38.
Receivers may distrain in cases where the person

Provided, and be it Enacted, That where the person liable to the payment of any Rent-charge shall occupy the Land in respect whereof the liable to the payment of the Rent-charge is in occupation of the Land.

the same may be payable, it shall and may be lawful for every such Receiver, by himself or any person or persons whom he shall for that purpose depute, to make any Distress or Distresses for any arrears of such Rent-charge which shall be in the collection or receipt of such Receiver, and the goods, chattels and effects so distrained to impound, sell and dispose of in like manner as in case of a Distress for any Quit, Crown or Composition Rents payable to His Majesty out of Lands in Ireland.

39.
Persons liable to Rent-charges, and not paying the same, liable to Interest on the Amount.

And be it further Enacted, That if any person liable to the payment of any Rent-charge shall be in arrear for the same for the space of *Three* calendar Months after the same shall have accrued due, every such person may, at the discretion of the said Commissioners of Land Revenues, be charged and chargeable with Interest for such arrear, to be calculated after the rate of *Three* Pounds for every *One hundred* Pounds by the year, from the time at which the same became due up to the time at which the same shall be actually paid; and that such Interest may be added to the Rent-charge so in arrear as aforesaid, and recovered by the same ways and means, together with all costs and expenses incurred in or about the recovery thereof.

40.
Commissioners of Land Revenues may apportion Rent-charges.

Provided always, and be it Enacted, That if any party liable in respect of any such Estate or Interest as aforesaid to the payment of any such Rent-charge shall at any time be desirous that such Rent-charge shall be charged upon any particular part or parts only of the Lands subject thereto, or upon any other lands settled or limited to or for the same uses, trusts, intents or purposes, and in the same order and course of limitation, and subject to the same charges, liens and incumbrances, and shall give notice in writing of such desire to the Commissioners, then and in such case it shall be lawful for the said Commissioners to order and direct that the whole of such Rent-charge shall in future be exclusively charged upon such part or parts of the said Lands as shall be specified in such Notice, or upon such other Lands as shall be specified therein, and thereupon in the former case such part or parts of the Lands originally liable to such Rent-charge shall be exclusively subject thereto, and the rest of such Lands shall be freed and discharged therefrom, and in the latter case the Lands originally liable shall be discharged from the liability to such Rent-charge, and the Lands substituted in lieu thereof shall become exclusively subject to such Rent-charge: Provided always, That the annual value of the part or parts of any such Land which shall be so made exclusively subject to such annual payment, or the annual value of the other Lands which shall be so substituted, shall not be less in amount than *Three* times the amount of such Rent-charge at the least, and shall be separately described and distinguished in some deed or instrument to be prepared under the direction of the said Commissioners, and deposited in the same place and custody where the original Rental containing such Rent-charge shall be deposited under the Provisions of this Act, to be preserved and kept therewith, and to be in like manner open to inspection, and copies of or extracts taken therefrom in like manner, and having the like validity and effect, as copies and extracts of or from such Rental.

41.
Rent-charges to be variable in like manner as Tithe Compositions.

AND whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from time to time, with reference to the average price of corn, as advertised in the Dublin Gazette during the preceding seven years; and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions should be subject to a similar variation; BE it therefore Enacted, That it shall and may be lawful for any *Three* or more persons in any parish or place, each charged with the annual payment of *Three* Pounds or upwards in respect of any such Rent-charges, and for the said Commissioners of Land Revenues, respectively to make application for the increase or diminution of such Rent-charges at such periods from time to time and in such manner as if he or they were liable to the payment of Compositions for Tithes or entitled to the receipt of such Compositions, he or they might respectively make such application; and the like notice of any such application shall be given, and all such and the like proceedings had thereupon, as by the provisions of the said several Acts for establishing Compositions for Tithes in Ireland authorized and directed in the case of applications thereunder; and such Rent-charges shall be increased or diminished, and the Rentals deposited in the Office of Record where the King's Rentals are kept shall be altered accordingly; and the said Commissioners of Land Revenues shall from time to time, as need may be, certify to the said Ecclesiastical Commissioners any increase or diminution which may be made in the amount of such Rent-charges, and the payments to be made under the provisions hereinafter following, to the persons who would have been entitled to Compositions for Tithes out of the Lands subject to such Rent-charges, if this Act had not been made, shall be increased or diminished accordingly; provided, that when the price of any particular species of corn shall be stated in the Certificate of such Composition, the Justices to whom such application may be made shall ascertain the average price of that species of corn from the said Gazette, and such comparison shall be made between the price thereof as stated in such Certificate, and the price thereof as so ascertained from the said Gazette during each period of seven years: And provided further, That where the price of corn shall not be stated in any such Certificate of Composition, the said Justices shall ascertain from the said Gazette the average price of corn for the period of years with reference whereto such Composition may have been calculated, and deal therewith as if the same had been originally stated in such Certificate.

And

42.

On the *First December* in this present year, and on the *First November* in every succeeding year, the several persons entitled to Compositions shall apply to the Ecclesiastical Commissioners, who shall ascertain the Amount due to such Applicants, and issue Warrants on the Commissioners of Land Revenues for such Amount, subject to a Deduction of 32*l.* 10*s.* per centum.

And be it Enacted, That on or as soon as conveniently may be after the *First* day of *December* in this present year, and on or so soon as conveniently may be after the *First* day of *November* in every succeeding year, the several persons, other than the Incumbents of Benefices hereinafter mentioned, who would have been at such time entitled to Compositions for tithes, or any part or proportion thereof, if the same had not been by this Act abolished, shall, in such manner and form as the said Ecclesiastical Commissioners may appoint, make application to the said Ecclesiastical Commissioners, showing their respective rights and interests, and such Commissioners shall examine into and ascertain the same, provided that the amount due to each such applicant shall be computed on the original amount of such Compositions as stated in the certificates thereof respectively, without regard to the abatement of *Fifteen* per centum to which any Landlord paying the same might have been entitled by virtue of any undertaking and agreement under the provisions of the hereinbefore recited Act of His present Majesty's reign, but subject nevertheless to such alteration in the amount of each such Composition as may be made under the provisions of this Act for the Revision of such Compositions, or as may take place with reference to any variation in the price of corn as heretofore provided; and having in such manner computed and ascertained the amount to which each such applicant may be entitled, the said Commissioners shall reduce the same at and after the rate of *Thirty-two Pounds Ten Shillings* per centum on the amount so found due, and shall deliver or cause to be deliverd to each such applicant, or to his order, a warrant expressing the sum to which he may be so found entitled, reduced as aforesaid; and in like manner and time the several Incumbents of Benefices, and Curates, of whom the incomes may be regulated by order of the Lord Lieutenant in Council, under the provisions hereinafter contained, and the several persons in anywise claiming in their right or in any right derived therefrom, shall make application to the said Ecclesiastical Commissioners showing their respective rights and interests, and the said Commissioners shall examine into and ascertain the same, and deliver or cause to be delivered to each such applicant, or to his order, a warrant expressing the sum to which he may be found entitled, deducting therefrom *Sixpence* in the pound; and every such warrant shall bear date on the day on which the same shall be issued, and shall be addressed to the said Commissioners of Land Revenues, and shall be subscribed by *Two* at least of the said Ecclesiastical Commissioners, and countersigned by the Secretary of such Commissioners, and shall be made in such method and form as shall be deemed most safe and convenient by the said Commissioners of Land Revenues; and all such warrants so to be made out in each year shall be respectively numbered arithmetically, beginning with the number one, and shall be prepared and made out with such cheques, indents, and counterparts as shall be directed by the said last-mentioned Commissioners; and at some time previous to the day or days to be

Incumbents of Benefices, and Curates, to whom Incomes may be assigned under this Act, shall apply in like manner, and shall receive like Warrants for Sums to which they may be found entitled, subject to a deduction of *Sixpence* in the Pound.

appointed as hereinafter mentioned for the payment of such warrants, the said cheques, indents, or counterparts from which the said warrants shall have been cut, shall be delivered to the cashier or cashiers of the Bank of Ireland appointed to pay off the said warrants, and shall remain in the use and custody of such cashier or cashiers, in order to prevent his or their being imposed upon by forged or counterfeit warrants.

43. Rents and Sums due by Owners of Tithes shall be deducted.

And be it Enacted, That where any person entitled as aforesaid to the receipt of any Composition shall be liable to the payment of any rent or annual sum in respect of such Composition or of the Tithes to which the same may relate, either to His Majesty or to any other person, or where any spiritual person shall be liable to the payment of the tax payable under the provisions of an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," or to any other sum payable to the said Ecclesiastical Commissioners in respect of any dignity, benefice, office, or promotion spiritual, the said Ecclesiastical Commissioners shall, after having ascertained the amount to which such person may be entitled as hereinbefore provided, subject to the said deductions of *Thirty-two pounds Ten shillings*, or *Sixpence* in the pound, as the case may be, deduct from such net amount so reduced the amount of such tax, rent or sum, or, in cases where any Lands may be held together with such Tithes at one entire rent, then a proportionate part of such rent, and the residue only shall be expressed in the warrant to be delivered to the person entitled as aforesaid to such Composition; and the said Commissioners shall deliver or cause to be delivered to the person entitled to such rent or sum, or to his order, a warrant wherein the amount of rent so deducted shall be expressed, and shall, when such rent or sum shall be payable to His Majesty, certify the amount deducted as aforesaid to the said Commissioners of Land Revenues, to be by them paid over to the proper account, and in the case of the said tax or other payment due to themselves, shall deliver to their own Treasurer a warrant addressed to the said Commissioners of Land Revenues for the amount thereof.

3 & 4 Will. 4, c 37.

44. Holders of Leases of Tithes, &c. may surrender the same, if the Rents payable under such Leases are higher than the Rent-charges payable under this Act, or compel the Lessors to reduce the Rents.

Provided, and be it Enacted, That if any Lease or Demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the *passing of this Act*, it shall and may be lawful for the Lessee in such Lease, or his Representatives, within *Two* calendar Months after the *passing of this Act*, to surrender such Lease to his immediate Lessor or his Representative, in case the Rent-charge payable under this Act in lieu of the Tithe or Composition for Tithe thereby demised shall be less than the rent reserved by such Lease; or it shall be lawful for such Lessee or his Representatives, instead of surrendering such Lease, to serve on such Lessor or his Representatives within such period of *Two* Months, a notice in writing requiring him or them to reduce the rent reserved by such lease in proportion to the reduction

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of the profits arising thereunder, by reason of the conversion of the Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the provisions of this Act; and in case such Lessor or his Representatives shall omit or refuse, during the period of *One* calendar Month from the service of such notice, to agree to make the abatement specified in such notice, or such other abatement as shall be satisfactory to the person serving such notice, the matter of such notice shall be referred to *Three* Arbitrators, one to be appointed by such Lessee or his Representative, another by such Lessor or his Representatives, and the third by the *Two* Arbitrators appointed as aforesaid, within *Ten* Days after notice in writing to be given by such Lessee or his Representative for that purpose; and in case such Lessor or his Representatives shall omit or refuse, within *Ten* Days after the service of such notice as last aforesaid, to appoint an arbitrator on his or their behalf, it shall and may be lawful for such Lessee or person serving such notice to apply to the Commissioners of Land Revenues, by affidavit stating the facts, whereupon the said Commissioners of Land Revenues shall and they are hereby authorized to nominate and appoint an Arbitrator to act on the part of such Lessor so omitting or refusing to act as aforesaid, and the appointment of such Arbitrator shall be equally valid to all intents and purposes as if made by such Lessor; and in case of the death or incapacity, neglect or refusal to act of any of the said Arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said Arbitrators appointed by the parties, as the case may be, within *Ten* Days next after notice thereof; and the said Arbitrators, or any *Two* of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such ways and means as they shall think proper, whether any and what abatement of the rent reserved in any such Lease should be made to the Lessee therein named, for or on account of the deduction in the amount of Tithe recoverable under such Lease, arising from the operation of this Act; and the said Arbitrators, or any *Two* of them, shall specify in their award the amount of the abatement to be made in the rent reserved in said Lease, and the amount so specified shall be no longer payable or recoverable under such Lease, and such award shall be of like force and effect as a release of so much of said rent as is thereby directed to be abated; and the said Arbitrators shall execute two copies of their said award, one to be delivered to the Lessor in such lease or his Representatives, and the other to be deposited with the said Commissioners of Land Revenues; and such Arbitrators, or any *Two* of them, shall have power and are hereby authorized to award that such Lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

45. In cases of doubt as to the Rights the parties entitled to Payment, the Ecclesiastical Commissioners may apply by Petition to the Court of Chancery or Exchequer for its direction.

Provided always, and be it Enacted, That if the said Ecclesiastical Commissioners shall entertain any doubt or difficulty in ascertaining the rights and interests of the parties respectively entitled to such payments, it shall and may be lawful for the Courts of Chancery and Exchequer in Ireland, upon the petition of the said Commissioners stating the premises in a summary manner, either to make an Order disposing of the matter of such petition, or referring the same to any Master or to the Chief or Second Rembembrancer, with liberty for the parties tc attend him, and with such other directions as such Court shall deem proper, or to direct such feigned issue or other proceeding as the Court, at its discretion, may deem proper for ascertaining the rights of the parties; and in such case the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the Money in dispute to the Accountant-General of such Court, who shall be authorized to receive payment thereof; and the Monies paid thereon shall be applied in such manner as such Court shall think equitable and just for the benefit of the party or parties who shall be found entitled thereto; and in the meantime and until the same shall be so applied such Monies shall, by order of such Court upon application thereto, be invested by the Accountant-General of the said Court, without fee or reward, in his name, in the purchase of such Public Funds or Government Securities as the said Court shall direct; and the said Ecclesiastical Commissioners shall have their costs out of the Fund to which such petition shall relate; and the costs of any other party to such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced by attachment or otherwise, as such Court shall direct.

46. Certificates of Compositions shall be only primâ facie Evidence of the Rights of the persons entitled thereto as between themselves.

AND whereas doubts have arisen with respect to the effect of Certificates for the Composition of Tithes in Ireland made under the authority of the said Acts for establishing such Compositions as respects the rights or titles of persons having or claiming to have estates or interests in the Tithes or Compositions to which such Certificates respectively relate; BE it therefore Enacted, That no Certificate under said Acts or any of them shall, as against any person claiming any estate or interest in Tithes or Composition for Tithes, and asserting such claim by any proceeding at law or in equity, or in the case of any such petition to the said Courts of Chancery or Exchequer, be deemed to be evidence of the right or title of any person in such Certificate described; and that if it shall be decided by any court of competent jurisdiction that any person other than the person in such Certificate described, or those deriving under such person, would have been entitled to such Composition, or to the Tithes to which the same shall relate, the person so declared entitled shall be thereupon authorized and entitled to receive the payments accruing due under authority of this Act, in lieu of the Composition in such Certificate mentioned, as if originally named therein; and until such decision, such Certificate, and all payments made under the same, shall be good, valid and effectual against all persons whatsoever.

47.
If Warrants defaced, new Warrants may be given instead and former Warrants cancelled.

Provided, and be it Enacted, That in case any of the said Warrants shall by any accident be defaced, it shall be lawful for the said Ecclesiastical Commissioners to cause a new Warrant to be made in lieu of the Warrant so defaced, which Warrant so defaced shall be cancelled by the said Ecclesiastical Commissioners; and such Warrant so to be made in lieu thereof shall have the like effect, and in all respects be subject to the same rules, and have and bear the same number, date and principal sum as the Warrant so cancelled.

48.
If Warrants lost, others may be issued for the same Amount, an Indemnity being given by the person receiving such other Warrant

Provided also, and be it further Enacted, That in case proof shall be made on oath by one or more credible witness or witnesses, before any Baron of His Majesty's Court of Exchequer in Ireland, that any Warrant has been by casualty or mischance lost, burned, or otherwise destroyed before the same shall have been paid off and discharged, and if by such oath the number and sum of such warrant shall be ascertained, and such Baron shall certify that he is satisfied with such proof, then and in every such case the said Ecclesiastical Commissioners are hereby authorized to cause another warrant to be made and delivered for the sum expressed in the warrant so lost, burned or destroyed; provided that the person so receiving such other warrant do give security to the King to the satisfaction of the said Commissioners of Land Revenues for the sum so expressed, if the warrant so certified to be lost, burned or destroyed shall be thereafter produced.

49.
A Time to be appointed for paying off Warrants.

And be it Enacted, That the said Commissioners of Land Revenues shall, as soon as conveniently may be after the *First* day of *January* in every year, appoint and notify a time or times for receiving and paying off such warrants respectively, and shall cause the same to be paid off and discharged accordingly at the Bank of Ireland, together with interest at the rate of *Three Halfpence* per centum per diem on the several sums contained or expressed therein, from the *First* day of *February* in the year next succeeding the *passing of this Act*, and from the *First* day of *January* in every succeeding year, until the times so appointed for paying off and discharging such warrants; and the Cashiers of the Bank of Ireland shall at such time or times pay off the sums contained or expressed in all such warrants, with interest as aforesaid, as shall be from time to time in course of payment, and take in to be cancelled, as the said Commissioners of Land Revenues shall direct, all warrants so paid off.

50.
His Majesty to appoint a Committee of the Privy Council to be styled "The Ecclesiastical Committee of the Privy Council of Ireland."

Committee to subscribe a Declaration.

And be it further Enacted, That it shall be lawful for His Majesty, from time to time, by His Sign Manual, to appoint such and so many persons as He may think fit, being Privy Councillors of the Privy Council of Ireland and Members of the United Church of England and Ireland, to be a Committee of the said Privy Council of Ireland, which shall be styled, "The Ecclesiastical Committee of the Privy Council of Ireland;" and it shall be lawful for His Majesty from time to time at His pleasure to remove any person so appointed: Provided always, That each and every person so at any time appointed to be of such Committee, do and shall before acting under such appointment subscribe a Declaration, to be recorded among the acts of the said Council, in the words following; (that is to say,)

> "I Do hereby solemnly, and in the presence of God, testify and declare, That I am a Member of the United Church of England and Ireland, as by law established. Witness my hand, this day of .

51.
When any Benefice shall become vacant, the Ecclesiastical Commissioners shall report the circumstances thereof to the Lord Lieutenant, who shall refer same to a Committee of Privy Council.

Lord Lieutenant may require a further Report.

Committee shall decide whether the boundaries of vacant Benefice shall be as

And be it Enacted, That when and as the Church of each Parish or Union shall after *the passing of this Act* become vacant in any manner whatsoever, the said Ecclesiastical Commissioners shall inquire into the nature and extent of each such Parish or Union; the number of the members of the Established Church therein, as the same may appear by the Report of the Commissioners named in the hereinbefore recited Commission, bearing date the Fifth day of August, in the Fifth year of His Majesty's reign; the situation of each Church and Glebe House; the nature and extent of the Glebe Lands; the number of Services celebrated on Sundays; the places within each such Parish or Union, other than a church, wherein divine service is occasionally celebrated; and such other circumstances as they may think material with reference to each such vacant Parish or Union, and any adjoining Benefices; and shall report all such facts and circumstances to the said Lord Lieutenant, who shall refer such report to the said Ecclesiastical Committee of the Privy Council of Ireland; and that such Committee shall take each such report into consideration; and the said Lord Lieutenant shall have power and authority, from time to time, to require the said Ecclesiastical Commissioners to ascertain and report such further or other particulars relating to each such Parish or Union so vacant, or to any adjoining Benefices as such Committee shall represent to be material; and that the said Committee having fully considered all the facts and circumstances shown by such first or by any subsequent report shall decide whether any alteration of the boundaries of each such vacant Parish or Union is proper to be made; and if so, whether the same should be divided into two or more benefices, or the whole or any and what part or parts thereof, united to any and what adjoining Benefice or Benefices, or part or parts thereof; and shall assign boundaries and a name to the new Benefice or Benefices, if any, so proposed to be formed; and having decided upon the matters aforesaid, the said Committee shall next consider and fix, subject to the regulations hereinafter contained, the amount of income proper for the future incumbent of each such vacant Benefice, it it shall have been decided that the same should be maintained unaltered, according to its existing boundaries; and if they shall have decided on any such alteration as aforesaid, they shall consider and fix, subject to the like regulations, the incomes proper, severally, for the future Incumbents of the new Benefice or Benefices, as the case may be, so proposed to be formed; and the said Committee shall in like manner consider and fix, subject to the like regulations, the extent of Glebe Lands, if any, proper to be annexed to such existing or new Benefice or Benefices, as the case may be; and the said Committee shall also take into consideration the situation and suitableness for the purposes of such Benefice or Benefices of any Glebe-house or Church or Chapel which may be therein, and make such decision as shall appear to them proper in respect of the occupation and appropriation thereof; and shall also fix and report upon all such matters and things relating to any such Benefice, and to any charges or payments affecting or to be made by or to the late Incumbent of such Parish or Union, or his successors, as they may think proper; and shall make such recommendation and report in the premises as they shall think proper to the said Lord Lieutenant in Council; and an order of the said Lord Lieutenant in Council shall be made pursuant thereto, and it shall be lawful for the said Lord Lieutenant in Council, by such order to settle and adjust all such matters in respect of residence, ecclesiastical dues, parochial rights, payments, pensions, procurations, synodals, crown rents, port corn rents, salaries of school masters, right to pews, repair of chancels, boundaries and other matters and things proper or necessary to be settled and adjusted, in consequence of the changes directed to be made by such order; and the order of the said Lord Lieutenant in Council, upon all such matters and all other matters contained in the recommendation and report of the said Ecclesiastical Committee shall be conclusive and binding in law, as well in respect of His Majesty as all other persons affected thereby; and a copy or copies of such order, certified under the hand of the Clerk of the said Council, with such maps or charts annexed thereto as may be necessary, shall be transmitted to the Bishop of the Diocese or Bishops of the Dioceses within which the Benefice or Benefices to which order may relate shall be situate, and shall be entered in the Registry of each such Diocese, for which entry the sum of *Thirteen shillings and Four-pence* and no more shall be paid to the registrar, and shall also be inrolled in the Rolls Office of the Court of Chancery in Ireland, for which inrolment the sum of *Thirteen shillings and Four-pence* and no more shall be paid, over and above the expenses usually paid to the engrossing clerk for the same; and another copy of

heretofore; or whether same shall be divided, or united to some adjoining Benefice. Committee shall fix Amount of Payment to be made to future Incumbent, and extent of Glebe Lands to be annexed to Benefice.

Lord Lieutenant in Council shall make order accordingly.

such order, with such maps and plans as aforesaid annexed thereto, shall be transmitted to tde Ecclesiastical Commissioners for Ireland, to be by them kept and preserved in their office.

52.
Lord Lieutenant empowered to make a supplemental Order for removing doubts or settling disputes.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant in Council from time to time, as occasion may require, to make any supplemental Order or orders for removing such doubts and settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained for uniting or dissevering Benefices, and for altering the boundaries of contiguous parishes; and every such supplemental Order shall have the same force and effect, as if it had formed part of any original order made under the provisions of this Act.

53.
The alteration of the boundaries of Benefice may be delayed, until avoidance of any neighbouring Benefice.

Provided, and be it Enacted, That if upon the vacancy of any Church, it shall seem convenient to the said Ecclesiastical Committee that such alterations as they may deem proper, should not take effect until the avoidance of some other Church; they shall make a recommendation to that effect to the said Lord Lieutenant in Council, and order shall be made accordingly, and an Incumbent appointed to the Benefice so vacant, who shall hold the same subject to such arrangements in respect of income, boundaries, duties and all other matters, as shall be expressed in such order, or such further order, as shall be made in respect thereof.

54.
The Incomes of future Incumbents regulated.

And be it Enacted, That the extent of Glebe Land to be annexed to any Benefice under the provisions hereinbefore contained, shall not exceed *Thirty* Statute acres; and that the incomes to be assigned to the Incumbents of Benefices under the provisions hereinbefore contained, shall be regulated in manner following; that is to say, in case it shall appear by the hereinbefore-mentioned report or by the returns or other documents or evidence upon which report shall have been framed, that the number of the members of the Established Church in any Benefice now existing, or which may be formed as aforesaid, does not exceed *Fifty*, the annual income to be assigned to the Incumbent of such Benefice shall not exceed *One hundred* Pounds, exclusive of the value of any Glebe Lands annexed thereunto by any such order as aforesaid; and in case it shall appear by such Report or Returns, or other documents or evidence, that the number of the members of the said Established Church, in any such Benefice, does exceed *Fifty* but does not exceed *Five hundred*, the annual income to be assigned to the Incumbent thereof, shall not exceed *Two hundred* Pounds, nor be less than *One hundred* pounds exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and in case it shall appear by such Report or Returns or other documents or evidence, that the number of the members of the said Established Church in any such Benifice does exceed *Five hundred* but does not exceed *One thousand*, the annual income to be assigned to the Incumbent thereof shall not exceed *Three hundred* Pounds nor be less than *Two hundred* Pounds, exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and in case it shall appear by such Report or Returns or other documents or evidence that the number of the members of the said Established Church in any such Benefice does exceed *One thousand* but does not exceed *Three thousand*, the annual income to be assigned to the Incumbent thereof shall not exceed *Four hundred* Pounds nor be less than *Three hundred* Pounds, exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and that in no case whatsoever shall the annual income assigned to the Incumbent of any Benefice exceed *Five hundred* Pounds, exclusive of the value of any Glebe Lands annexed as aforesaid to such Benefice, unless the same be situate in a city or town: Provided always, That in case it shall appear by the said Report or Returns or other documents or evidence that the number of the members of the Established Church in any Benefice exceeds *One thousand*, it shall be lawful for the said Lord Lieutenant in Council, upon the recommendation of the said Ecclesiastical Committee, to direct the appointment of *One* or more Curates, as he or they shall think necessary, regard being had to the extent of the ecclesiastical duties to be performed in such Benefice, and shall assign to each such Curate a stipend of *One hundred* Pounds per annum, whereof *Seventy-five* Pounds shall be payable by warrant of the said Ecclesiastical Commissioners, addressed to the said Commissioners of Land Revenues in manner hereinbefore provided, and the remaining *Twenty-five* Pounds payable by and recoverable from the Incumbent of such Benefice, in like manner as the stipend or salary of any Curate is now by law payable and recoverable, and each such Curate shall be nominated by the Incumbent, and licensed by the Ordinary accordingly, and shall be bound to the performance of ecclesiastical duties within such Benefice, and be subject to removal in the same manner and with the same right of appeal as any stipendiary Curate under the laws now in force.

55.
Order of Lord Lieutenant shall take effect at the periods expressed therein.

And be it Enacted, That every such order made by the said Lord Lieutenant in Council, under the provisions of this Act, shall take effect in its several parts from such period or periods respectively as may be expressed in such order, and the Incumbent of any Benefice to which any vacant Benefice, or part thereof shall be by such order united, shall, by force of such order, and according to the terms thereof, without further appointment, be and become ipso facto, from the period named in such order in that behalf, the Incumbent of such newly-erected Benefice, and seised and possessed thereof as of one complete and entire Benefice by the name or designation which may be assigned to the same by such order, and shall enter upon and be charged with the cure of souls: Provided nevertheless, That where upon occasion of the avoidance of any Church as aforesaid, any parish or parishes shall be, by any such order as aforesaid, united in whole or in part to any other parish or union, such order shall not take effect in so far as respects the income assigned to the Incumbent of any new Benefice so formed until the next avoidance thereof, unless with the consent in writing of the person so becoming, by virtue of such order, Incumbent of such new Benefice; and in the mean time it shall be lawful for the said Lord Lieutenant, either to authorize and direct the payment to such Incumbent of such annual allowance, not exceeding *One hundred* Pounds, as he may think fit, in consideration of the additional duty devolving upon him by reason of such union, or to authorize and direct a Curate to be appointed during his incumbency in such newly-erected Benefice, and an annual stipend to be paid during such incumbency to such Curate, not exceeding *One hundred* Pounds, and such Curate shall be nominated and licensed by the Ordinary accordingly; and shall be bound to the performance of ecclesiastical duties within such newly-erected Benefice, and be subject to removal in the same manner, and with the same right of appeal as any stipendiary Curate under the laws now in force.

Proviso as to payment to continuing Incumbent.

56.
Parishes altered under this Act deemed single Parishes, but not to affect secular Rates, &c.

And be it Enacted, That when any parish or parishes, or part or parts thereof, shall be united under the provisions of this Act to any other parish or parishes, or part or parts thereof, or the boundaries of any parish altered for the purpose of forming a new Benefice, all such parishes or parts of parishes so united or altered shall be for the purposes of this Act deemed and taken to be single parishes; and the Incumbent of such newly-erected Benefice, and the Parishioners and Inhabitants thereof, shall proceed to the election of Churchwardens and other parochial officers, in such time and manner as the said Lord Lieutenant in Council shall direct: Provided always, That no such union nor alteration of the boundaries of any parish shall in any way affect the secular rates, taxes, charges, duties or privileges of such parishes, or any part of them, otherwise than may be expressed in the order effecting such union or alteration.

57.
Incumbents of Benefices formed under this Act to be Vicars.

And be it Enacted, That every new Benefice formed under the provisions of this Act, when such Benefice shall become complete, and until it shall become complete then so far as the recommendation of the said Ecclesiastical Committee and the order made thereupon shall have taken effect, shall be deemed a Vicarage, and the spiritual person collated thereto and serving the same shall be the Vicar thereof, and shall have such tenure and estate in his benefice, and shall be subject to such jurisdiction of the diocesan or other jurisdiction and to such laws as to holding Benefices as are applicable to Vicars in Ireland, and shall have such rights and privileges and be subject to the obligation of such duties within his Benefice as Vicars shall from time to time have or be subject to within their respective parishes.

And

58. Lord Lieutenant in Council shall determine to what Diocese newly-formed Benefices, partly situate in different Dioceses shall belong. Churches and Glebe Houses annexed to Benefices shall be deemed to be within the same wherever situate.

And be it Enacted, That if any newly-erected Benefice shall comprise parishes or parts of parishes locally situate in different dioceses, it shall be lawful for the said Lord Lieutenant in Council, by such order as aforesaid, to determine and direct to which of such dioceses such newly-erected Benefice shall belong; and in case by any such order as aforesaid any Church or Glebe-house or offices shall be appropriated to any Benefice, the same shall for all purposes expressed in such order be deemed to be within such Benefice, although such Church or Glebe-house and offices may be locally situate within any other parish or benefice.

59. Boundaries of Benefices and Incomes of Incumbents may be regulated from time to time.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners from time to time, as they may think necessary, upon the Church of any parish or union becoming vacant at any time hereafter in any manner whatsoever, whether the same may be an ancient parish or union, or at any time formed under the provisions of this Act or by virtue of any law now in force in Ireland, to report to the said Lord Lieutenant on the then state and circumstances thereof, who shall refer such report to the said Ecclesiastical Committee, and they shall in like manner, as upon the first avoidance of any Church after the *passing of this Act*, consider whether any alteration may be or have become proper, in respect of the boundaries of such Benefice, or of the income of the future Incumbent, or of the extent of Glebe Lands annexed to such Benefice, and shall make such recommendation and report in the premises as they shall think proper, subject nevertheless to the like regulations as have been hereinbefore prescribed in respect of the arrangements to be made upon the first avoidance of any Church after the *passing of this Act*; and the said Lord Lieutenant in Council shall make an order in pursuance thereof, and shall therein have and exercise all such powers and authorities, subject to the like rules and regulations as are hereinbefore mentioned in respect of any report, recommendation or order concerning benefices first becoming vacant after the *passing of this Act*; and such subsequent order shall operate as a revocation to the extent therein expressed of any former order, and shall be of the like force and effect as such order would have been if not so revoked; and such subsequent order shall be registered and enrolled, and copies thereof made, attested and transmitted in like manner as have been hereinbefore provided in respect of any order made on the first avoidance of any Church after the *passing of this Act.*

60. Impropriators liable to provide Curates, shall, after union, contribute rateably

AND whereas in some impropriate parishes the Impropriators or Possessors of the Tithes of such parishes are obliged by law to find a Curate to serve the cure of the said parishes; BE it therefore Enacted, That in case such parishes so appropriate or impropriate shall be divided or united, in whole or part, by virtue of the hereinbefore contained provisions to any other parish or parishes, such Impropriator or

Possessor shall be liable to make such provision, or pay such contribution, towards or for the maintenance and support of the Curate or Minister of such divided or united parishes as shall be settled and adjusted by the said Lord Lieutenant in Council, and specified in such order or orders as hereinbefore mentioned, for settling and adjusting all matters and things proper or necessary to be settled and adjusted, in consequence of the changes directed to be made by such order or orders, provided that no greater charge, in the whole, shall be imposed upon any such Impropriator or Possessor than he may have been by law previously liable to.

61. Commissioners to pay off Charges of Benefices.

And be it Enacted, That in case the said Lord Lieutenant in Council shall by any such order as aforesaid so direct, the said Ecclesiastical Commissioners shall, by such instalments, to be made in such manner and at such periods from and after such vacancy of the Church of each parish or union in respect whereof such direction shall be given as any Incumbent succeeding thereto would have been bound or liable if this Act had not been made, to pay to and satisfy the Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have been occasioned, all and every such sums of money as by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors, if this Act had not been made, and such successors are in every such case hereby exonerated and discharged from all liability thereto.

62. Commissioners may recover Sums due to successors in Benefices; and also for dilapidation.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, in every case where they may have been directed, to make such payment as aforesaid to any Incumbent, his executors or administrators, to recover from such Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have occurred, all and every such sums of money as the successor of such Incumbent (if such order had not been made) could have recovered by force of any law or statute, for or on account of dilapidations, and such Incumbent is in every such case hereby discharged and exonerated from and against all and every such claim on the part of any such successor; and that the said Commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successors of such Incumbent could or might have used if this Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any money which they may be liable under the provisions hereof to pay any such Incumbent, his executors or administrators, such sums as shall be respectively payable by or recoverable from such Incumbent, his executors or administrators, for or on account of such dilapidations, in like manner as the successors of any such Incumbent might have deducted the same under any law or statute if this Act had not been passed; and any surplus which may arise by such means in the hands of the said Ecclesiastical Commissioners shall be paid over to the said Commissioners of Land Revenues.

63.
Benefices becoming vacant after the passing of this Act not to be filled without notice.

And be it Enacted, That whenever the Church of any parish or union shall at any time after the *passing of this Act* become vacant in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such parish or union, until the expiration of *Two* calendar Months after notice in writing of such vacancy shall have been given to the said Ecclesiastical Commissioners by the Corporation or person having the patronage thereof or right of appointment thereto, and any appointment which shall be made without such notice previously given shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant and Council may and are hereby required to exercise all the powers hereby vested in them in relation thereto, in such manner as if the Church of such parish or union were vacant.

64.
Persons hereafter appointed to Benefices to hold the same subject to the provisions of this Act.

And be it further Enacted, That every person who shall be appointed to any Benefice in Ireland at any time after the *passing of this Act*, shall take and hold the same, and all property, rights and privileges thereunto belonging, subject to and under such alterations or provisions as shall or may at any time be made under the provisions of this Act, with respect to the extent or boundaries of such Benefice, or with respect to the amount, disposition and application of the property or income thereof: Provided always, That in the meantime and until any such provisions and regulations shall have been so made as aforesaid, and subject and without prejudice to any provisions and regulations which for the time being shall have been so made, such incumbent shall and may have and exercise all the same powers and privileges as if this Act had not been passed.

65.
The Ecclesiastical Commissioners shall compensate the owners of Advowsons coming under the operation of this Act, unless such Advowsons belong to the King or Ecclesiastical Corporations.

And be it Enacted, That where the right of appointment to any Benefice or any turn therein shall belong to the College of the Holy and Undivided Trinity, near Dublin, or to any person other than the King or any Ecclesiastical Corporation sole or aggregate; and such Benefice shall be reduced in value, or the whole or any part thereof united to any other Benefice under the powers hereinbefore contained, the said Lord Lieutenant in Council shall cause compensation to be made to the party having such right of appointment or turn therein by the payment of such sum of money as he and they shall think fit, for the diminution of the annual value of such Benefice, or for the absolute purchase of such Advowson or turn therein (so that such sum of money shall in no case exceed *Twelve* Years' purchase of the annual value of such Benefice, or of the annual sum by which the annual value thereof shall be reduced): Provided always, That in case of the union of the whole or any part of such Benefice to another Benefice, and if the income assigned to the Incumbent of such newly-erected Benefice shall exceed the value of the Benefice to which such addition shall be made, it shall be lawful for the said Lord Lieutenant and Council, in whole or part of such compensation, to award to the person having the right of appointment or turn in such right of appointment to the Benefice so united in whole or part to such other Benefice, such turn or turns in the right of appointment to such newly-erected Benefice as may appear just, regard being had to the relative value of the several Benefices or parts thereof constituting such newly-erected Benefice, and shall have power and authority for such purpose to regulate the right of appointment to each such newly-erected Benefice, and the course and succession in which the patrons thereof shall present thereto: Provided that if any Benefice shall be united in whole or part to any other Benefice, or the income thereof reduced under the provisions of this Act, the said Lord Lieutenant in Council shall in all cases where the Advowson thereof may belong to the said College of the Holy and Undivided Trinity, and in such other cases as they may in their discretion think proper, where the Advowson thereof may belong to any person except any Ecclesiastical Corporation sole or aggregate, instead of paying any sum of money as aforesaid, direct that some Benefice in the gift of His Majesty, or turn therein, shall be assigned to the said College or person by way of compensation or equivalent, and the Advowson and right of presentation to such Benefice so assigned, or turn therein, shall by force of such order vest in the College or person in like manner to all intents and purposes, and subject to the like uses, trusts and limitations, if any, as the Advowson and right of presentation to the said Benefice so reduced or united in whole or part to another Benefice may have been held for or under.

66.
Application of Money where Owners under Disability.

And be it Enacted, That when any such Advowson or turn of presentation shall belong to any infant, feme covert, lunatic or person under any disability, or when any doubt or difficulty may arise as to the person entitled thereto, the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the money payable for such Advowson or turn, or as a compensation for the reduction of the value thereof to the Accountant-General of the Court of Chancery, who shall receive payment thereof, and the monies paid thereon shall be placed to his credit ex parte the person entitled thereto, to the intent that such money shall be applied, under the order and direction of the said Court (to be signified by an order to be made in a summary manner upon a petition to be preferred by the party entitled thereto), to the use of such party, or to be applied upon the same uses, trusts and limitations, and subject to the same powers, conditions, charges and incumbrances as the said Advowson or right of presentation or turn therein was vested in, settled upon, or subject to, or as near thereto as the nature of the case may admit.

67.
Advowsons purchased shall vest in His Majesty.

And be it Enacted, That the Advowson or right of presentation to such Benefices the value of the advowsons whereof or right of presentation whereto or turns wherein shall be so paid by the said Ecclesiastical Commissioners, or in lieu whereof any Benefice in the gift of His Majesty shall have been so assigned as aforesaid shall vest in and be exercised by His Majesty.

68.
Lord Lieutenant, &c. may require Compensation from Patrons of augmented Benefices.

And be it further Enacted, That where the value of any Benefice shall be augmented under the provisions of this Act, and the right of appointment thereto or any turn therein shall belong to any person (other than the King or any Ecclesiastical Corporation, sole or aggregate), it shall be lawful for the said Lord Lieutenant in Council to direct and require the Patron or Patrons of such augmented Benefice to pay to the said Commissioners of Land Revenues such sum of money as he and they may think just in consideration of such augmentation; and in default of payment of such sum of money within *Six* calendar Months after demand thereof, by notice in writing, shall have been made and served upon such Patron or Patrons, the said sum of money shall be and become a charge or lien on such advowson, or on the inheritance of the same, and be paid and payable to the said Commissioners of Land Revenues, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

69.
Sums payable under the hereinbefore contained provisions, shall be paid by Warrant addressed to Commissioners of Land Revenues.

And be it Enacted, That all such sums of money as shall become payable under the provisions hereinbefore contained, as and for the purchase of advowsons, or as and for compensation to be made to the owners thereof, and all such sums as may become payable to any Incumbent, or his executors or administrators, by whose promotion, removal, resignation or death, any Church may become vacant by the said Ecclesiastical Commissioners, in the place and stead of any Incumbent succeeding thereto, shall be paid by warrant addressed to the said Commissioners of Land Revenues, to be made in like manner and form as hereinbefore provided in respect of the warrants for the payment of the annual incomes payable to Incumbents under the provisions hereinbefore contained: Provided always, That the sums expreſsed in the warrants issued for the payment of such purchase or compensation money, or for the payment of such sums as may be payable by the said Ecclesiastical Commissioners, instead of the successors in and to any Benefice, shall be paid and payable on demand, immediately after the making and delivery thereof.

70.
When a Benefice shall become vacant after passing of this Act, the Glebe House and Lands belonging thereto shall vest in the King for the purposes of this Act.

And be it Enacted, That when and as the Church of each parish or union shall, at any time after the *passing of this Act*, become vacant, the Glebe-house, Offices, and all and every the lands and hereditaments thereunto annexed or belonging, and the rents, profits and emoluments thereof from the time such Church shall become void, shall be transferred to and vested in His Majesty, His heirs and successors, subject however to all charges, leases, rents and incumbrances now, or at the time of such transfer, legally affecting the same; and shall be, until the *First* day of *November One thousand eight hundred and Forty-three*, and afterwards, until Parliament shall otherwise direct, under the management of the said Commissioners of Land Revenues; and the rents, issues and profits thereof shall be applied to the like purposes as the produce of the Rent-charges by this Act granted to His Majesty, but subject, nevertheless, to the provisions hereinafter contained.

71.
Commissioners of Land Revenues shall annex such portions of Glebe to any Benefice as order of Lord Lieutenant in Council shall direct.

And be it Enacted, Then when and as it shall be signified to the said Commissioners of Land Revenues, by any such order of the said Lord Lieutenant in Council, as hereinbefore mentioned, that any lands are to be annexed as glebe to any Benefice, the said Commissioners shall assign such portion of the glebe lands, if any, heretofore belonging to such Benefice, as may be specified in such order to the Incumbent thereof, to be annexed to such Benefice as glebe; but if there shall be no such ancient glebe lands belonging to such Benefice, or not a sufficient extent thereof, or that the same shall not be conveniently situated for the enjoyment of the Incumbent thereof, the said Commissioners of Land Revenues shall treat for and purchase such extent of land as may be specified in such order, or so much additional land as may be necessary, so soon as the same can be conveniently obtained, to be assigned to the Incumbent of such Benefice as glebe, and shall, in the mean time, and until such purchase can be effected, assign to such Incumbent an equivalent portion of the glebe lands vested in them under this Act.

72.
Such Commissioners may sell or exchange such Glebe Lands as may not be required for purposes of this Act.

And be it Enacted, That, for the purpose of enabling the said Commissioners of Land Revenues to carry into effect the purposes aforesaid, it shall and may be lawful for them absolutely to sell and convey the fee simple and inheritance of and in any glebe lands which may become vested in His Majesty as aforesaid, or any part thereof, and which shall not be assigned to the Incumbent of any Benefice as glebe, either for the best price that can be obtained for the same or in exchange for lands more conveniently situate, and in case of any such exchange, to accept or take in exchange such other lands in lieu of and in exchange for the lands so conveyed; which lands so purchased or received in exchange, as the case may be, shall be vested in His Majesty, and under the management of the said Commissioners for like purposes as the glebe lands so vesting in

His Majesty under the provisions of this Act; and it shall be lawful for the said Commissioners, in case of any such exchange, to pay or receive such sum of money as shall be mutually agreed upon for equality of exchange; and all such sales and exchanges shall be made under the like regulations as are by law prescribed, in respect of sales and exchanges for lands forming part of the Hereditary Revenues of the Crown, and under the management of such Commissioners.

73.
Commissioners of Land Revenues shall appropriate Glebe House to use of Incumbent, if order of Lord Lieutenant shall so direct.

But if such order shall not so direct, may sell or demise the same.

And be it Enacted, That in case by any such order as aforesaid of the said Lord Lieutenant in Council any glebe house and offices so vesting in His Majesty under the provisions aforesaid shall be appropriated to the use of the Incumbent of any Benefice, the said Commissioners shall assign the same to such Incumbent, to be annexed to such Benefice, as the glebe house and offices thereof, but in case such glebe house and offices shall not be by such order appropriated to such purpose, it shall be lawful for the said Commissioners to demise such glebe house and offices for any terms of lives or years, or lives and years, with a covenant to make void the said demise in case of assigning or sub-letting, and for such rent or fine as they shall think proper.

74.
Assignments of Commissioners of Land Revenues to be by deed.

Such deed to be enrolled in Registry of Diocese.

And be it Enacted, That every assignment of any glebe house and offices or glebe lands to any Benefice which shall take place under the provisions of this Act, shall be made by some deed or instrument under the hands and seals of the said Commissioners of Land Revenues, with such maps or charts annexed thereto as may be necessary; and such deed or instrument shall be enrolled in the registry of the diocese to which such Benefice shall belong, for which entry the sum of *Thirteen Shillings and Four-pence*, and no more, shall be paid.

75.
Application of Monies arising under this Act.

And be it Enacted, That the annual income arising from the said rent-charges and glebe houses and lands, and all other funds accruing to the said Commissioners of Land Revenues, under the provisions of this Act, shall be applied in the manner following, that is to say, in the first place, in the payment of the costs, charges and expenses attendant on the collection and management thereof, and the other costs and expenses of carrying this Act into execution; and in the second place, in the payment of all such sums of money as shall under the provisions of this Act become payable, by warrant as aforesaid, to persons who would if this Act had not been made have been, or be from time to time entitled to the receipt of Compositions for Tithes, or to Incumbents or Curates to whom incomes or stipends may be assigned under the provisions hereinbefore contained; and in the third place, in the payment of all such sums as may be necessary for the purpose of advowsons, or for the compensation of the owners thereof, or to pay off the charges upon Benefices, or for the purchase of glebes; and the residue of such monies from time to time accruing in each year to the credit of the said Commissioners, shall be paid in such manner as the Lords Commissioners of His Majesty's Treasury shall direct, into the receipt of His Majesty's Exchequer in Ireland, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

76.
After Thirty-first March next 50,000l. shall be charged upon the Consolidated Fund for the Moral and Religious Instruction of the People of Ireland.

AND in consideration of the Monies so to be hereafter paid over and carried to and made part of the said Consolidated Fund, BE it Enacted, That from and after the Thirty-first day of March One thousand eight hundred and Thirty-seven, there shall be charged upon the said Consolidated Fund an annual sum of Fifty thousand Pounds, which shall be issued and paid out of the said Consolidated Fund in such proportions, and at such times in each year, and in such manner as the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall appoint and direct, to such person or persons as the Lord Lieutenant of Ireland shall by warrant under his hand from time to time authorize to receive the same, to be applied, under such regulations as the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall from time to time appoint and direct, to the Moral and Religious Instruction of all Classes of the People in Ireland without distinction of religious persuasion; and that within Fourteen Days after the First day of April in every year, an account of the application and expenditure of the monies issued pursuant to the provisions of this Act for the purposes of Moral and Religious Instruction as aforesaid in the year ending on such First day of April shall be laid before both Houses of Parliament, if Parliament be then sitting; and if Parliament shall not be then sitting, such account shall be laid before both Houses as aforesaid within Fourteen Days after the commencement of the then next Session of Parliament.

77.
Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such Corporations as have duties to perform.

AND whereas it appears by the report of certain Commissioners constituted and appointed by His Majesty for inquiring into ecclesiastical revenues and patronage in Ireland, bearing date the Fifteenth day of April One thousand eight hundred and Thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various names, and that some of such Corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them; BE it therefore Enacted, That the right, title and interest in and to all lands, tithes, rents, profits and other emoluments heretofore held and enjoyed by any and every Corporation of or belonging to any Cathedral Church in Ireland, known by the names of Minor or Petty Canons, Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, shall from and after the *passing of this Act* vest in the said Ecclesiastical Commissioners, subject nevertheless to all existing leases, charges and incumbrances, legal or equitable, now affecting the same, and that the rents, issues and profits thereof shall be by the said Ecclesiastical Commissioners applied during the lives of the present members of such Corporations respectively to their use in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of each such member of such Corporations adequate provision be made out of such rents, issues and profits for the due maintenance of such and so many of their successors as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such Corporations respectively in cases where such provision is not made from other sources; and that the surplus of such rents, issues and profits from time to time accruing to the said Ecclesiastical Commissioners shall be carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and in all respects subject to such the like restrictions and conditions.

78.
For removing doubts as to the provisions of the recited Act respecting the Precentorship of ChristChurch, Dublin.

AND whereas by an Act passed in the fourth and fifth years of His Majesty's reign, for amendment of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland, the said Lord Lieutenant and Council are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an Archbishoprick or Bishoprick, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant, all and every the Tithes, Glebes, Lands, Rents, Profits and Emoluments whatsoever belonging or appertaining thereto, and all arrears of such Tithes, Rents, Profits and Emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said Act: AND whereas doubts have arisen whether the provisions of the said Act apply to the case of the Precentorship of the Church of the holy and undivided Trinity, otherwise called Christ Church, in Dublin, now vacant by reason of the cure of souls in certain parishes belonging in contemplation of law to the said Precentor, although in fact such Cure has not been served by the occupant of such dignity, nor by any resident Curate employed at a sufficient stipend: And whereas it is expedient to remove such doubts, and also further to explain the said Act; BE it therefore Enacted, That the hereinbefore recited provisions of the said Act shall be taken to extend to the said Precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not within *Three* Years next preceding the *passing of this Act* have served the cure of souls in such parish or parishes, either personally or by a resident Curate remunerated by a sufficient stipend; and also that the said provisions of the said Act shall be taken to extend to all such offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same may not be ecclesiastical offices, nor held by ecclesiastical persons, and also to all cases where Tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where lands only, or land as well as Tithes, may have been so held and enjoyed or appropriated: Provided always, That if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such Curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such Curate, not exceeding *One hundred* Pounds per annum, as they may think necessary, with regard to the duties to be by him discharged.

79.
Tithes, &c. disappropriated from dignities, &c. may be carried to general Fund under administration of Ecclesiastical Commissioners.

AND whereas by the said recited Act of the third and fourth years of His present Majesty's reign, as the same is amended by the said Act of the fourth and fifth years of His Majesty's reign, authority is given to the said Lord Lieutenant and Council, on the next avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend or Canonry, or with the consent of the Incumbent thereof, to disappropriate, disunite and divest from and out of the same any Rectory, Vicarage, Tithes or portion of Tithes, and Glebes or part or parts thereof, and to unite any such Rectory, Vicarage, Tithes or portion of Tithes, or Glebes or part thereof, to the Vicarages or perpetual or other Curacies of such parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage or Curacy, or to erect the same into a distinct Parish or Benefice: And whereas in some cases such Vicarages and perpetual or other Cures may be already sufficiently endowed, or the number of the members of or persons in communion with the said Church in such disunited or disappropriated parish may not exceed *Fifty*; BE it therefore Enacted, That if the said Lord Lieutenant and Council shall so think fit, it shall be lawful for him and them to order that the income arising from such Rectory, Vicarage, Tithes or portions thereof, and Glebes, or part or parts thereof, disappropriated and disunited as aforesaid, shall be transferred to the said Ecclesiastical Commissioners, and the right and interest in and to the same, and all arrears thereof, shall thereupon vest in the said Commissioners, and be by them carried to the general Fund under their administration.

80.
Tenants of Bishops, &c. may, instead of paying Purchase Money of Perpetuities, give a Mortgage at Three-and-a-half per cent., payable within Ten Years.

And be it Enacted, That it shall and may be lawful for any superior or under Tenant who shall within *Two* Years next after the *passing of this Act*, contract and agree for the purchase of the fee simple and inheritance of and in lands held under any sole Ecclesiastical Corporation, or under the said Ecclesiastical Commissioner pursuant to the provisions of the said recited Act of the third and fourth years of the reign of His present Majesty, or of the said Act passed in the last Session of Parliament amending the same, instead of paying the sum ascertained, agreed or adjudged to be payable by such Tenant for or on account of such purchase, to execute to the said Ecclesiastical Commissioners a mortgage of the lands so purchased for securing the payment of such purchase-money, by instalments or otherwise, at any time within *Ten* Years next after the making thereof, with interest thereon in the mean time, or so much thereof as shall remain due, at the rate of *Three Pounds and Ten Shillings* per centum per annum; and such mortgage shall have priority and precedence over all other charges and incumbrances whatsoever.

81.
Commissioners of Land Revenues and Ecclesiastical Commissioners may examine on Oath or receive Depositions.

And be it Enacted, That it shall be lawful for the said Commissioners of Land Revenues, or for the said Ecclesiastical Commissioners to examine upon oath or affirmation (which oath or affirmation they, or any *One* or more of them, are and is hereby authorized to administer), any person willing to be examined touching any matters or things relating to any proceeding under this Act, and also to receive any affidavit or deposition in writing, upon oath or affirmation, which shall be made in any part of the United Kingdom of Great Britain and Ireland, before any person having authority to administer an oath, or before any Justice of the Peace, or which shall be made in any parts beyond the seas before any Magistrate of the county, territory or place having competent power and authority to administer an oath, and certified and transmitted to the said Commissioners, or either of them, under the hand and seal of such Magistrate.

82.
Ecclesiastical Commissioners may employ additional Clerks.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may employ such and so many Clerks or other Officers as they may find necessary for the discharge of the duties by this Act imposed upon them, and allow to such Clerks and Officers such Salaries as they shall, with the consent of the Lords Commissioners of the Treasury, fix and appoint; and the said Ecclesiastical Commissioners and the said Commissioners of Land Revenues shall employ for all the purposes of this Act such Solicitor as the said Commissioners of His Majesty's Treasury shall nominate and appoint.

83.
Treasury may advance Money on credit of the Rent-charges granted by this Act, not exceeding the annual Amount thereof.

AND whereas it may be found necessary for the said Commissioners of Land Revenues to borrow a sum or sums of money by way of mortgage or loan on the credit of the produce of the said Rent-charges and the other funds accruing to them under the provisions of this Act; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall so think fit, upon the application of the said Commissioners of Land Revenues, from time to time to issue or advance, or cause to be issued or advanced out of the produce of the Consolidated Fund of the United Kingdom, any sum or sums of money, not exceeding in the whole at any one time the gross annual amount of the Rent-charges payable to His Majesty under the provisions of this Act, to be applied to the like purposes as such Rent-charges, and to be repaid in such manner and at such times and with such rate of interest as the said Commissioners of His Majesty's Treasury as aforesaid shall determine and direct; and all sums so issued and advanced shall, with the interest from time to time accruing due thereon, be and the same is and are hereby charged upon the produce of the said Rent-charges, and all other funds accruing to the said Commissioners of Land Revenues under this Act; and such Rent-charges and other funds as aforesaid shall be subject and liable to the payment of the sums so issued or advanced, and the interest thereon, in such manner and at such times as the said Commissioners of His Majesty's Treasury shall appoint; and the said Commissioners of Land Revenues are hereby authorized, empowered and required to pay such sums of money and such interest from time to time when and as the same shall become due and payable, pursuant to the order and direction of the said Commissioners of His Majesty's Treasury, from and out of the produce of the said Rent-charges and the other funds vested in or accruing to them under this Act, prior to any other application thereof.

84.
Tithe Compositions Acts shall be taken to extend to His Majesty.

AND whereas doubts have arisen how far the several Acts for establishing Compositions for Tithes in Ireland extend to Tithes forming part of the hereditary revenues and possessions of the Crown in Ireland; FOR removal of which doubts, be it further Enacted and Declared, That the said Act shall be deemed to extend to The King's Majesty, His heirs and successors, as if named therein, and that all Compositions for Tithes belonging or which may have belonged to His said Majesty, are and shall be and be deemed to have been good, valid

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valid and effectual to all intents and purposes as any Compositions established in lieu of Tithes belonging to any other person.

85.
The provisions of this Act shall extend to His Majesty.

And be it Enacted, That all and every the provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to The King's Majesty, and that Rent-charges shall become payable in lieu thereof, and that such Rent-charges shall be collected and recovered, and in all other respects managed and dealt with according to the provisions of this Act, any thing in any other Act or Acts heretofore passed relative to the Hereditary Possessions and Land Revenues of the Crown in Ireland to the contrary notwithstanding: Provided always, That nothing herein contained shall extend in any respect to alter or repeal the provisions of any such Act or Acts with respect to the application of the annual income arising from such Tithes or Compositions, or the sale thereof, or the application of the monies arising from any such sales, but that such last-mentioned provisions shall extend and apply to the annual income arising from the Rent-charges which will become payable in lieu of such Tithes or Compositions under the provisions of this Act, and to authorize sales thereof, and to direct the application of the monies arising from the sale of such Rent-charges, according to the nature thereof respectively, in like manner as to the annual income arising from such Tithes and the monies arising from sales thereof: And provided further, That nothing in this Act contained shall in any manner prejudice or affect the right of His said Majesty in or to any quit rent or other rent or payment reserved upon or arising out of any grant, or payable on account of any advowsons, rectories, vicarages, or other benefice or preferment, or office spiritual or tithes.

86.
Notices, how to be served.

And be it Enacted, That whenever any notice required to be given by this Act cannot be delivered to the person to whom such notice is directed, it shall be sufficient to leave the same at the last or most usual place of abode of such persons, if such person shall be in Ireland, or if such person or persons shall be in any other part of the United Kingdom, or beyond the seas, then to publish the same in the Dublin Gazette.

87.
No Stamp Duty to be payable on Instruments required by this Act;

And be it further Enacted, That no memorandum, contract or agreement to be made or entered into under the provisions of this Act, nor any deed, receipt, or other instrument or counterpart thereof made, nor any receipt, order, copy, document or other matter or thing relating to any proceeding or payment under this Act, nor any appointment, obligation or bond authorized or required by this Act, shall be subject or liable to any Stamp Duty whatsoever imposed by any Act or Acts now in force or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

88.
nor Office Fees.

And be it Enacted, That no Search nor Certificate thereof, or any other proceeding in any court or office, nor any payment nor investment which may be directed or sanctioned by any court or otherwise for the purposes of this Act, shall be subject to any charge for any law or equity fund, nor to any Usher's poundage nor fee imposed by any Act now in force or by any future Act, unless the same be specially mentioned and subjected thereto by this or some future Act.

89.
Punishment for Forgery.

And be it Enacted, That if any person shall knowingly and wilfully forge or counterfeit, or act or assist in forging or counterfeiting, the name or handwriting of the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury for the time being, or of the said Ecclesiastical Commissioners or Commissioners of Land Revenues, or of any or either of them, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any money in the hands or custody of the Governor and Company of the Bank of Ireland, or of any private banker, on account of the said Commissioners, with intent to defraud any Corporation or person whatsoever, or shall forge and counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument or writing in form of or purporting to be a draft, made by the said Commissioners or any of them, or shall utter and publish any such, knowing the same to be forged or counterfeited, with an intent to defraud the said Commissioners of Land Revenues or the Governor and Company of the Bank of Ireland, or any Body Corporate or any person or persons whomsoever, every person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared to be guilty of felony, and shall be liable to be transported for the term of his or their life.

90.
Perjury.

And be it further Enacted, That if any person who shall make or take any oath, affirmation or affidavit under or in pursuance of the provisions of this Act shall therein wilfully or knowingly swear, affirm or answer falsely to any matter or thing, every such person, being duly convicted thereof, shall incur and suffer such penalties, pains and disabilities as persons convicted of wilful and corrupt perjury are by law liable to.

91.
Limitation of Actions.

And be it further Enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, such action or suit shall be commenced within *Six* calendar Months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant in every such action or suit

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may plead the General Issue, and give this Act and the special matters in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, each defendant shall have *treble* costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

92. Interpretation of Words used in this Act.

And be it Enacted, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the words "Lord Lieutenant of Ireland" shall extend to any Lords Justices or other Chief Governor or Governors of Ireland; and the words "Commissioners of Land Revenues" shall be construed to mean the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and the word "Land" shall extend to manors, messuages and other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold or of any other tenure; and the word "Appointment" shall be construed to mean institution, collation, presentation, election, donation, nomination, license or induction; and the word "appointed" shall be construed to mean instituted, collated, presented, elected, nominated, licensed or inducted; and the words "Persons entitled to Compositions for Tithes," or to any "Composition," shall be construed to extend to and include all ecclesiastical persons and bodies corporate, sole or aggregate, lay or ecclesiastical, or collegiate, and all incumbents of parishes, whether Rectors, Vicars or Curates, and all Impropriators and Appropriators, and all persons whomsoever, being the owners of or entitled or interested in any manner whatsoever, at law or in equity, whether in their own right or by virtue of any order or process of any Court, as trustees, devisees, personal representatives, lessees, sequestrators, receivers or otherwise, to any Tithes, or portion or portions of Tithes, or Composition established in lieu of Tithes, or portion or portions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any lease or agreement; and the word "Person" shall extend to and comprise all and every bodies politic and corporate, sole and aggregate, lay and ecclesiastical, and collegiate; and the words "Compositions for Tithes" shall extend and be applied to any portion or portions of a Composition, and to any Tithes or portion of Tithes, and to any part of a yearly payment thereof, as well as to a Composition; and the word "County" shall extend and be applied to any riding, county of a city or county of a town, or city and county, as well as a county at large;

and the word "Parish" shall extend and be applied to any part of a parish forming a distinct benefice, and to extra-parochial place or places separately chargeable with any Composition for Tithes, as well as to a parish; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

93. Act may be amended this Session.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

Church of Ireland.

A BILL

For the better Regulation of Ecclesiastical Revenues, and the Promotion of Religious and Moral Instruction in Ireland.

(*Prepared and brought in by*
Lord Viscount Morpeth, Lord John Russell, Lord Viscount Palmerston, Mr. Chancellor of the Exchequer, Sir John Hobhouse, Mr. Poulett Thomson, Lord Viscount Howick, and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1836.

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11 *July* 1836.—7 WILL. IV.

(Ireland.)

A

BILL

[AS AMENDED ON THE REPORT]

For the better Regulation of Ecclesiastical Revenues, and the Promotion of Religious and Moral Instruction in *Ireland*.

[N. B.—*The Clauses marked* (A.) *and* (B.) *were added by the Committee.*]

Preamble.

WHEREAS with a view of rendering the Incomes arising from Tithes more certain in amount and more easy of collection, several Acts have been from time to time passed for the establishment of Compositions for Tithes throughout *Ireland*; but the interposition of Parliament is further necessary in reference to various circumstances peculiar to that part of the United Kingdom: And whereas His Majesty has been pleased to issue a Commission, bearing date the Fifth day of August in the fifth year of His Majesty's reign, authorizing and directing the persons therein named to inquire whether adequate provision is now made for the Religious instruction and for the general Education of the People of *Ireland*: And whereas it appears by the First Report of the Commissioners named in such Commission, that in some Benefices there are no members of the Established Church, and in other Benefices few such members: And whereas it appears by Returns laid before Parliament, that in many instances the Income of Benefices is greatly disproportioned to the extent of Ecclesiastical duty required of the Incumbents; and it is therefore expedient to make provision for uniting and dividing Benefices, and for altering the boundaries and regulating the incomes thereof, with a view to a better distribution of Ecclesiastical Duties and Revenues: And whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus revenue shall be applied to the moral and religious education of the people, without distinction of religious persuasion; and also that the said Compositions for Tithes shall be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction being made upon the amount thereof in consideration of the greater facility and security of collection arising out of such transfer of the liability to the payment thereof from the occupying tenantry to the owners of such estates or interests; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the right of all persons in and to all Tithes or Compositions for Tithes at any time hereafter to accrue due in *Ireland*, shall wholly cease and determine.

1.
Compositions for Tithes abolished, except arrears due by or to undertaking Landlords, 2 & 3 Will. 4, c. 119.

2.
All Sums payable by Instalment under 3 & 4 Will. 4, c. 100, remitted; and any Money heretofore paid thereunder to be refunded.

And be it Enacted, That so much of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Relief of the Owners of Tithes in *Ireland*, and for the amendment of an Act passed in the last Session of Parliament, intituled, 'An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in *Ireland*, and to make such Compositions permanent,'" as makes any person entitled to the receipt of any Composition for Tithes liable as such to the King's Majesty for the repayment by certain instalments of any advances made under authority of the said Act; and also so much of the said Act as provides for the addition of certain sums to the Compositions for Tithes payable out of Lands in *Ireland*, and for the payment thereof, together with and in addition to the said Compositions; and also all provisions in the said Act contained in any way relating to the recovery of such Instalments and sums, or enabling any person liable to the payment of such Compositions to recover against any person any sum whatsoever on account of such liability, shall be and the same is and are hereby repealed: Provided further, That the Lords Commissioners of His Majesty's Treasury shall by warrant under their hands direct all such sums as may have arisen to the credit of the Teller of His Majesty's Exchequer in *Ireland*, on account of the Instalments heretofore accrued due under the provisions of the said last-mentioned Act, to be, in such manner as they may think fit, repaid out of any monies in the said Exchequer to the persons by or from whom any such Instalments may have been paid or recovered; and that any person entitled to the receipt of any Composition for Tithes, who may have received or recovered any sum added thereto by such Act shall repay the amount of such addition to the person by or against whom payment of the sum so added to the said Composition may have been made or enforced; and in like manner any person liable to the payment of the said Composition for Tithes, who may have received or recovered any sum whatsoever in right of such liability, shall repay the same to the person by or against whom payment of such sum may have been made or enforced, and in default of such repayment it shall be lawful for the persons entitled thereto under this Act to recover the amount by action of debt or on the case, or, if not exceeding Fifty Pounds by Civil Bill in the Court of the Assistant Barrister for the county in which the Defendant may reside, or in the Court of the Chairman of the Sessions of the Peace for the county of *Dublin* when the defendant may be resident in such county: Provided always, That no proceeding taken, or thing heretofore done under the provisions of the said Act hereby repealed, shall be deemed, notwithstanding the repeal thereof, to have been unlawful.

3.
All Lands subject to the payment of Tithe Compositions, charged with an annual Sum by way of Rent-charge, equal to Seven-tenths of such Compositions, to be payable by the party having the first estate of inheritance, &c. in such Lands.

And be it Enacted, That every Parcel of Land charged with or in respect whereof the said Tithe Compositions, or any applotment or assessment thereof, would have been payable if this Act had not been made, shall be and become severally liable to and charged with the payment of an annual sum or Rent-charge equal to Seven-tenths of the annual amount of such Tithe Compositions, and that such Rent-charges shall be payable by the party having in such Lands respectively the first estate of inheritance, or other estate or interest equivalent to a perpetual estate or interest, as hereinafter defined, under which or derived wherefrom there shall be no such perpetual estate or interest, according to the quantity of such Lands comprised in each such estate or interest; and that the first payment of such Rent-charges shall become due on the First day of December in this present year, and the subsequent payments thereof on the First day of November in each succeeding year: Provided that although such Tithe Compositions may have been separately applotted or assessed upon different portions of such Lands, the Lands comprised in each such estate or interest shall be charged with the annual payment as aforesaid of one entire sum or Rent-charge equal to Seven-tenths of the gross annual amount of such several applotments or assessments: And provided further, that the amount of such Rent-charges shall be computed on the gross amount of such Tithe Compositions as stated in the certificates thereof respectively, without regard to any deduction of Fifteen Pounds per centum to which any person who may have undertaken the payment of such Tithe Compositions would have been entitled under the provisions of the hereinbefore recited Act of the second and third years of His present Majesty's reign.

4.
What shall be deemed equivalent to an Estate of Inheritance or perpetual Estate.

3 & 4 W. 4. c. 37.

And be it Enacted, That any estate or interest held under any deed or instrument containing any provision, contract or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years whereof at least One hundred shall be to come and unexpired on the Thirtieth day of November One thousand eight hundred and Thirty-six, and any estate held by lease or demise immediately from and under any Archbishop, Bishop, or other Ecclesiastical person, in any Lands belonging to the See or other spiritual promotion or dignity of such Archbishop, Bishop or other Ecclesiastical person, or under the Ecclesiastical Commissioners for *Ireland*, being parcel of the Lands vested or which may become vested in them under the provisions of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in *Ireland*," shall be deemed and taken to be, for all purposes relating to the said Rent-charges, equivalent to a perpetual estate or interest; and that each tenant in dower or tenant by curtesy, and each person having, under the limitations of any Settlement by Deed, Will, Act of Parliament or otherwise, any estate for life or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be during such his interest liable to the payment of such Rent-charge as fully to all intents and purposes as if he were seised of or entitled to the whole estate in such inheritance or perpetual interest.

5.
If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

On determination of any Estate chargeable with Rent-charge, the next Estate shall become chargeable.

Provided, and be it Enacted, That where by the laws now in force in *Ireland* any person shall be entitled to hold and occupy under any lease or demise the Lands thereby demised free from the payment of Tithes or Composition of Tithes, he shall not be liable to the payment of the said Rent-charge, but the party having in such Lands the first estate of inheritance, or other equivalent estate or interest, as before described, expectant or in reversion, and who would not be entitled to a like exemption under the laws aforesaid, shall be liable to such payment: And provided further, That in case of the forfeiture, surrender, or other determination of any estate or interest, the owner whereof may be liable to the payment of such Rent-charge as aforesaid, the party having the first estate of inheritance, or other equivalent estate or interest, as before described, in remainder or reversion, shall become liable to the said payment of such Rent-charge: And provided further, that in case of any such devolution of interest, no more than the amount of One year's arrear of Rent-charge shall be a charge on the Lands subject to the payment of such annual Rent-charge.

6.
If any Person who would have been liable to Tithe Composition, hold mediately or immediately under the Person liable to such Rent-charge, the amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

And be it Enacted, That whenever any Person who would have been liable to the payment of any Composition for Tithes if this Act had not been made, shall hold the Lands in respect whereof such Composition for Tithes would have been so payable as Tenant or Subtenant under the person liable to the payment of such Rent-charge as aforesaid, then and in such case an annual sum equal to the amount of such Rent-charge shall be payable to the person so liable to the payment of such Rent-charge by the next immediate Lessee holding under him, such sum to become first due on the First day of December One thousand eight hundred and Thirty-six, and to be then payable by one entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times and by such quarterly or half-yearly or yearly payments as the rent due and payable by such lessee may be reserved and made payable, and together therewith, in like manner to all intents and purposes as if such sum had been mentioned in the same lease, instrument or demise, and expressly reserved and made payable thereby; and the person liable to such rent-charge as aforesaid shall have such and the like remedies to enforce payment of such sum, by distress, ejectment or re-entry, or by action of debt, covenant or otherwise, as he may have to enforce payment of the rent reserved by such lease, instrument or demise; and the said next immediate lessee, in case he himself would not have been liable to the payment of such Tithe Compositions as aforesaid, shall be in like manner, and by all such and the like remedies, entitled to receive and recover of and from his immediate Sub-lessee such annual sum from time to time accruing due and payable, and so on each Lessee recovering from his Sub-lessee downwards to the person who would have been primarily liable to the payment of such Tithe Compositions if this Act had not been made: Provided always, That in the case of the land being divided among several Lessees or Sub-lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the land which such Lessee or Sub-lessee, or any other person with him jointly may hold: And provided further, That where any person would have been liable, under the Provisions of any Law now in force in *Ireland*, to make payment of any Composition to any Landlord or person entitled to the receipt of the same by virtue of any such certificate of agreement as is mentioned in the hereinbefore recited Act of the second and third year of His present Majesty's reign, such person liable to make payment of such Composition to the person entitled thereto by virtue of such certificate shall be deemed to be within the meaning of this Act the person primarily liable thereto; and where the Lessee or Occupier of any lands may be entitled to deduct out of the Rent payable by him to his Landlord the amount of any Composition, such Landlord shall be deemed to be within the meaning of this Act the person primarily liable thereto.

7.
Such Leases, &c. of Tithes, as have now the effect of suspending Compositions shall determine, and none other.

And be it Enacted, That in any case where the effect of any Composition may be by any law now in force suspended in consequence of any Lease of Tithes, or Agreement in writing respecting the same, every such Lease or Agreement having such effect as aforesaid, but none other, shall from and after the passing of this Act, wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the Lands which would, if this Act had not been made, have upon the termination of such Lease or Agreement become subject to the payment of any Composition for Tithes, shall be and become severally charged with an annual sum or Rent-charge equal to Seven-tenths of the amount of such Composition, and an annual sum equal in amount to such Rent-charge shall become payable to the persons from time to time liable to the payment of such Rent-charge, and to their Lessees and Sub-lessees, in like manner as hereinbefore provided in cases where the effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, That if it shall appear to the Commissioners of Land Revenues that any payment on account of this present year shall, previous to the passing of this Act, have accrued due by virtue of or under such Lease or Agreement, the amount thereof shall be deducted from the Rent-charge accruing due on the First day of December in this present year, and the residue only shall be then payable.

8.
Where Leases at Rack-rent have been made, after the establishment of any Composition in pursuance of 4 Geo. 4, c. 99, the Rents shall be reduced in proportion to the difference between such Composition and the Rent-charge payable under this Act.

AND whereas by an Act passed in the Fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Establishment of Compositions for Tithes in *Ireland* for a limited time," it was enacted, That whenever under the Provisions of that Act any Compositions should be made for Tithes payable in any parish, every person who should afterwards set, let or demise any Land lying within such parish at a rack-rent, should make such lease or demise free from the payment of Tithes during the continuance of such Composition; and that in such case it should be lawful for the Lessee or Occupier of such land, and every such Lessee or Occupier was thereby required to pay the amount of such Composition to the person entitled to such Composition; and that it should be lawful for such Lessee or Occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such Lessee or Occupier of such land to his immediate landlord; and it was further enacted by the said recited Act, That in case such Composition should cease and determine at any time during the continuance of such lease, the rent reserved in such lease should be reduced in amount by a sum equal to the amount of such Composition: And whereas in all such cases of Land set, let or demised at a rack-rent, in any parish in *Ireland* at any time after the establishment of such Composition for Tithes therein, the amount of such Composition has by reason of the said recited enactments been added to and made payable together with and as part of the rent: And whereas a certain reduction is to be made by this Act in the amount of each such Composition, in converting the same into a Rent-charge; and it is just and reasonable that the persons who under the provisions of the said recited Act have been made subject to the payment of rents in which the amount of such Compositions have been included should have the benefit of the reduction so to be made in the amount of the Rent-charges payable in lieu of such Compositions; BE it therefore Enacted, That in all such cases of Leases made at a Rack-rent at any time after the establishment of a Composition for Tithes in any parish, of lands subject to the payment of such Composition, the Rent or Rents reserved upon and made payable in and by such Leases shall be reduced by a sum equal to the difference between the amount of the Composition heretofore payable in respect of such Lands, and the amount of the Rent-charges which will under the provisions of this Act become payable in lieu thereof, and that the party liable to the payment of such reserved Rent shall be entitled to deduct the amount of such difference accordingly.

9.
Rent-charges to be under the management of Commissioners of Land Revenues.

And be it Enacted, That the said Rent-charges shall be vested in and payable to His Majesty, for the purposes hereinafter mentioned, and shall, until the First day of November in the year One thousand eight hundred and Forty-three, and afterwards, until Parliament shall otherwise direct, be under the management of the Commissioners of Land Revenues, subject nevertheless to the control of the Commissioners of His Majesty's Treasury, and shall be collected and paid into the Bank of *Ireland* by such receivers or other persons as shall be appointed by the said Commissioners of Land Revenues for that purpose, in the same manner as the Land Revenues and Rents of the Crown in *Ireland*; and that the said Commissioners of Land Revenues, receivers and other persons authorized by them shall have the same powers, immunities, exemptions and remedies (except so far as hereinafter otherwise provided) and give the same or the like security with respect to the same Rent-charges, for the collection and recovery thereof; and such receivers and other persons, and their respective sureties, shall be accountable in the like manner and to the like extent, and discharged in the like manner as if the said Rent-charges were parcel of the Rents of the Crown in *Ireland*, and as if such Rent-charges had been included in the several provisions of the Acts now in force for the collection, receipt and payment of the Land Revenues

Revenues and Rents of the Crown in *Ireland:* Provided always, That no such Rent-charge shall be merged or extinguished by reason of the whole or any part of the Land charged therewith being now or at any time hereafter vested in His Majesty: And provided also, That accounts of the receipts and payments of the said Commissioners of Land Revenues under or occasioned by this Act shall be kept distinct from their other accounts, and that the said Commissioners shall keep a separate account or separate accounts with the Bank of *Ireland*, to which all monies and securities arising from or in respect of the said Rent-charge shall be paid; and that separate reports of the proceedings of the said Commissioners under this Act shall be laid before His Majesty and the two Houses of Parliament in the same manner and at the same times as is by law required respecting the Land Revenues of the Crown.

10. Commissioners of Land Revenues, with consent of Treasury, may make Regulations for collection, &c. of Rent-charges.

Provided always, and be it Enacted, That it shall be lawful for the Commissioners of Land Revenues, or any Two of them, with the consent of the Commissioners of His Majesty's Treasury, to make such new or other general or special orders and regulations respecting such collection, receipt and payment, and the duties of the persons who shall be employed in the collection and receipt of the same Rent-charges, and the securities to be given by such persons and their sureties, and for the payment of the monies arising in respect of the said Rent-charges into the said Bank of *Ireland*, as to the said Commissioners of Land Revenues, or any Two of them, shall appear expedient for the purposes of this Act; and that all such orders, regulations and directions shall have the same force as if the same were hereby enacted; and that all such orders, regulations and directions for the time being in force at the commencement of each Session of Parliament, and which shall not have been previously submitted to Parliament, shall from time to time, within One Week after the commencement of every such Session, be laid before both Houses of Parliament.

11. Compositions for Tithes may be revised on application to the Commissioners of Land Revenues.

AND whereas it is just and expedient, with a view to a final and satisfactory settlement of the amount of the said Compositions for Tithes and the Rent-charges payable in lieu thereof, that the calculations on which such Compositions have been established should be subjected to revision where a proper *primâ facie* case for revision may be made out; BE it therefore Enacted, That it shall and may be lawful for any person or persons in any parish, who would have, been in case this Act had not been made, individually or collectively liable to the payment of more than One-half of the amount of the whole Composition established in and for such Parish, whether the several sums payable by him or them respectively shall be or may have been payable to any party entitled to the receipt of any Composition, or to any Landlord who may have taken upon him the payment of such Composition, at any time within Six Weeks after the passing of this Act, to apply to the said Commissioners of Land Revenues on behalf of such Parish for a revision of the Composition established therein; and in like manner it shall be lawful for any person who would have been, in case this Act had not been made, entitled to any Composition for Tithes, to apply within the said period of Six Weeks to the said Commissioners for the revision of such Composition; and notice of every such application shall be posted on the church door or the usual place of posting Grand Jury notices, and once inserted by or on behalf of the applicant party in some newspaper circulating within such parish within Ten Days next after such application shall be made: Provided, That where the effect of any Composition may have been suspended previous to the passing of this Act by virtue of any lease or agreement in writing, the owners and occupiers of any Lands upon which collectively a sum exceeding One-half of the amount of such Composition may have been applotted shall be deemed and taken to be qualified within the meaning of this Act to make such application.

12.
Grounds on which applications for Revision may be founded, shall be submitted to the Commissioners of Land Revenues for their consideration, and if found sufficient, such Revision shall be allowed.

And be it Enacted, That every such application shall be accompanied by a statement and specification in writing of the particulars, grounds and reasons for making the same; and the material allegations of every such statement shall be verified by some one or more credible person or persons, according to the best of their knowledge and belief, on oath before one or more of the Justices of the Peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by such statement, so verified, the said Commissioners of Land Revenues shall find that the amount of such Composition exceeds by more than One-fifth the actual amount of the average of the sums really and truly paid, or really and truly agreed to be paid, or really and truly due and adjudged to be paid during the Seven Years on the average of which such Composition was calculated, or shall find that any sum was added to the actual amount of the average of such true and real sums without just and sufficient grounds and reasons for such addition, or shall find that any fraud, concealment, misrepresentation or circumvention was practised upon the entering into such Composition, whereby the amount of such Composition was unduly affected, or shall find that such Composition was made upon *ex parte* evidence, whereby the amount of such Composition was unduly affected, then and in every such case the said Commissioners shall transmit the statement accompanying each such application to the Lord Lieutenant of *Ireland*, together with a copy of the Certificate of such Composition to which such statement refers, and a certificate under their hands that such Composition is proper to be revised, specifying the ground and matter of revision, and the said Lord Lieutenant shall cause the same to be revised accordingly in manner hereinafter mentioned: Provided always, That when an appeal from any

Certificate of Composition has before the passing of this Act been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, it shall be at the discretion of the Lord Lieutenant to cause such Composition to be revised, or not, as he shall deem just.

13. Barristers to be appointed for the purpose of such Revision.

And be it Enacted, That the said Lord Lieutenant shall by warrant under his hand appoint for the duty of revising all such Compositions as shall be so certified to need revision, so many Barristers as he or they may think necessary, of not less than Six Years standing at the Irish Bar, and shall refer each such Composition for revision, together with the statement and certificate of such Composition so transmitted to him by the said Commissioners of Land Revenues, to any Three or more of such Barristers, and shall appoint the time and place or times and places at which they shall proceed with such revision; and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such Three or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that however not less than Three such Barristers shall be authorized to proceed with the revision of any such Composition.

14. Rules to be observed in the Revision of Compositions under this Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public notice of the several times and places at which, pursuant to such order and direction, they will hold Courts for such purpose, as well by advertisement to be inserted at least Ten Days previous to each such time in some newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury Presentments at Special Sessions for the division or district in which each such parish may be situate; and at the time and places so notified such Barristers shall in open Court proceed to revise each such Composition, and shall in the first place inquire into and ascertain the manner in which each such Composition may have been calculated, and require the party who may have applied for such revision to sustain his or their objections thereto, and to produce evidence in support thereof; and such Barristers, having heard all such objections and evidence relating to such objections as shall be offered or made by or in behalf of any party entitled or who may have been entitled to such Composition, or by or in behalf of any owner or occupier of land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, or in respect of any of the matters set forth in the statement or specification made to the Commissioners of Land Revenues as before mentioned, and shall make such Order for confirming, increasing or decreasing the amount of each such Composition as they shall think just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on account of Tithes in any such parish shall not have varied above One-fifth part of the average annual amount of the whole during the series of Seven Years with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such Seven Years, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value, or that more was due: And provided further, That where any sum shall have been included in computing the amount of any such Composition on the evidence of any promissory note or other instrument or agreement, or of any adjudication made by any Ecclesiastical or other Court or Justices, in default of the appearance of the party against whom such adjudication may have been made, the said Barristers shall receive evidence, if offered, that the real value of the Tithes in respect whereof such promissory note, instrument or agreement, or adjudication may have been made, was less than the amount thereof; and in all cases where such lesser value shall be proved, shall, after hearing evidence in support of such Composition, correct accordingly the amount of such Composition: And provided further, That when any sums shall have been added to the average amount of the Tithe paid or agreed or adjudged to be paid during any such series of years as aforesaid, the said Barristers shall examine into the sufficiency of the grounds and reasons upon which such addition has been made as set forth in the statement subjoined to the Certificate of such Composition, and shall allow or disallow the same, and deduct or reduce, or increase, the sum so added, as to them shall seem just: And provided further, That where the Tithes of any Land, not having been actually paid or adjudged to be paid during the series of years with reference whereto any Composition may have been calculated, such Tithes, have been estimated or calculated according to the payments made for Tithes of the like kind in the same or any adjoining parish, or according to such information as may have been obtained, the said Barristers shall inquire into the facts and the accuracy of such information, and the fairness of any such estimate, and amend or confirm the calculation of such Composition accordingly: And provided further, That where the amount of any Composition shall have been fixed by agreement, such amount not having been ascertained by any Commissioner or Commissioners, or Umpire, under the provisions of the said recited Acts, and that it shall appear that either of the parties thereto entered into such agreement in ignorance of any facts the knowledge whereof was material to making an equitable arrangement between them, or under any concealment or misrepresentation of such facts, and that such agreement was unjust, the said Barristers shall inquire into and ascertain and fix the just amount of Composition which ought to be established in lieu of the sum so fixed by agreement: And provided further, That where in the calculation of any such Composition it shall appear to the said Barristers that any sum has been included on account of the Tithes of any Land which they shall deem to have been Tithe-free, the said Barristers shall exclude such sums in calculating the amount of such Composition; and if such Barristers shall entertain any doubt or difficulty in determining the Exemption of any such Land from Tithe, it shall be lawful for the Courts of Chancery and Exchequer in *Ireland*, upon the petition of the said Barristers showing the facts of the case, (which said Barristers are hereby required to ascertain and state according to the best information they can procure) either to make an Order allowing or disallowing such Claim of Exemption, or referring the matter to any Master, or to the Chief or Second Remembrancer, with liberty for the parties interested in the determination of such matter to attend him, and with such other directions as the Court shall deem proper, or to direct such feigned issue or other proceeding as the Court in its discretion may deem proper for ascertaining the Exemption or Non-exemption of such Lands; and in case of any such application to either of the said Courts, the said Barristers shall proceed with the Revision of such Composition, and fix the amount thereof, without reference to such Claim of Exemption; provided, that if the matter be determined in favour of the party claiming such Exemption, such Court shall direct the said Commissioners of Land Revenues to reduce the amount of Rent-charge payable in lieu of such Composition, and amend the Rental of such Rent-charges accordingly; and the costs of such petition and reference, or other proceedings, shall be in the discretion of such Court, and payment thereof enforced against any of the parties interested in such matter who may appear to litigate the same, by attachment or otherwise, as such Court may direct.

15.
Composition may be reduced or increased by Agreement between the Land Owners and Tithe Owner.

Provided always, and be it Enacted, That if any party or parties entitled or who would have been entitled, in case this Act had not been made, to any Composition for Tithes established in any parish, shall, with the consent of the Patron, testified by some instrument under the hand of such Patron, offer to reduce or increase the amount of any such Composition, and shall signify such offer in writing, stating the amount of the sum or several sums so proposed to be substituted for the amount of such Composition, and if such offer shall be assented to and accepted in writing by a majority in value of the persons, who, if this Act had not been made, would have been liable to the payment of the Composition established in such parish, or if any Composition for Tithes in any parish has been by any agreement between the parties interested, or any award in writing, or other written document, reduced or increased, or agreed to be reduced or increased, the sum or sums so agreed upon or awarded shall be binding on the said Commissioners of Land Revenues and the said Barristers, and shall be fixed as the amount of such Composition, and the Certificate thereof amended accordingly.

16.
Barristers revising Compositions shall make order for payment of the Expenses by such Party as they think fit, subject to certain Rules.

And be it Enacted, That the said Barristers shall adjudge the Expenses of each Revision to be paid by the party or parties entitled or who would have been, if this Act had not been made, entitled to such Composition, and by the owners or occupiers of Land subject to such Composition or the Rent-charges payable in lieu thereof, in such proportions as to such Barristers shall seem just: Provided always, That if upon such Revision such Composition shall not be reduced One-seventh part of the whole, and if such Revision shall have taken place upon the application of such owners or occupiers of Land, the whole of such expenses shall be paid by them, and that if such Composition shall not be increased One-seventh part of the whole, and if the Revision thereof shall have taken place upon the application of any party entitled or who would have been entitled, if this Act had not been made, to such Composition, the whole of such expenses shall be paid by such party: And provided further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either of the parties to such Revision, to the other of such parties, in cases where in the discretion of such Barristers such payment may be proper and just; and payment thereof may be enforced by action of debt or on the case, or by Civil Bill in the Court of the Assistant Barrister; and the production of an Order attested under the hands of any Two such Barristers shall be sufficient evidence of the liability of the Defendant to pay the sum therein expressed to the Plaintiff suing for the same.

17.
Barristers shall transmit their Award to the Lord Lieutenant, to be laid before the Commissioners of Land Revenues, who shall amend Rentals of Rent-charges and Applotments accordingly.

And be it Enacted, That such Barristers, having made such Order and Adjudication as aforesaid, shall transmit the same, attested under their hands or the hands of any Two of them, together with the copy of the Certificate of the Composition to which the same may relate, to the said Lord Lieutenant, who shall cause the same to be delivered to the said Commissioners of Land Revenues; and such Commissioners shall cause the Certificate and Applotment of such Composition, and the Rental of the Rent-charges payable in lieu thereof, to be amended, if necessary, according to such Order; and such amendment shall take effect from and after the First day of November now last past, but shall be without prejudice to any arrears of Composition theretofore due and recoverable under the provisions of this Act.

18.
Lord Lieutenant may order Advances from the Consolidated Fund to defray the Expenses

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such sum or sums of Money as he or they may think necessary shall from time to time be advanced out of the produce of the Consolidated Fund arising in incurred in Revision of Composition.

Ireland, for defraying the expenses to be incurred in the revision of such Compositions as aforesaid under the provisions of this Act, not exceeding the sum of Two hundred Pounds with respect to any one parish; and that all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the Chief Secretary, or in his absence by the Under Secretary.

19. Barristers may compel attendance of Witnesses.

And be it Enacted, That the said Barristers holding any such Court shall have power to adjourn the same and the Revision of each such Composition, from time to time and from place to place, as they may think proper, subject to the orders and directions of the said Lord Lieutenant; and for the purpose of revising such Compositions as aforesaid, such Barristers shall have and they are hereby invested with all and every the powers and authorities which it is by the said Acts in force in *Ireland* for establishing Compositions for Tithes, provided that any Commissioner or Commissioners acting thereunder may use and exercise for ascertaining and fixing the amount of any Composition to be established under the provisions of the said Acts; and the said Barristers shall have power and authority to call before them, by a summons in writing under the hands of any Two of them, and to examine, the respective Commissioner or Commissioners, or Umpire, by whom each Composition may have been established, or any other person, whether interested or not interested in the matter of such revision, whom they judge fit and necessary to examine touching the matter of such revision; and they shall also have authority to require such Commissioners or Umpire, or any other person, having in his or their possession or power any books, papers, writings, accounts or other documents material to the calculation of such Composition or to the revision thereof, to produce the same; and the said Barristers shall have power and authority to administer an oath or affirmation to any person who may be so summoned, or to any witness who may be tendered, and all such persons so summoned before such Commissioners are hereby required to give evidence and information accordingly; and if any person so summoned, whether personally or by notice left at his usual residence, shall not attend pursuant to such summons, or shall decline or refuse to give evidence, or shall refuse to produce any books, papers, writings, accounts or other documents of which the said Barristers may lawfully require the production, it shall be lawful for such Barristers either to make application to any of His Majesty's superior Courts at *Dublin* for an attachment against such person, which attachment shall issue out of such Court accordingly, on due proof by affidavit of the service of such summons and the default of the person so summoned, and be proceeded with in like manner and with the like penal consequences to the party disobeying such summons, as if the same had been a Subpœna ad testificandum or Duces tecum issuing out of such superior Court; or it shall be lawful for such Barristers, upon complaint upon oath made to them, to convict such person so offending as aforesaid summarily in such penalty, not exceeding Fifty Pounds, as they shall think fit, and in default of payment to commit such person to the Gaol of the county or place in which such Barrister shall be sitting, for any period not exceeding Three calendar Months.

20. Barristers may allow Expenses to Witnesses not interested in the matter.

And be it Enacted, That where any person who may have acted as a Commissioner or Umpire in the establishment of any such Composition, or any other person, not being a party interested in the matter of such revision, either as the owner or occupier of Land subject to such Composition, or as a party who would have been entitled to the receipt thereof if this Act had not been made, shall appear before the said Barristers, and be by them required to give evidence, it shall be lawful for such Barristers, at their discretion, to order such reasonable allowance to be paid to such person, for his actual expenses and loss of time as they may think proper; and such Order shall be made under the hands of such Barristers, and directed to such person as the said Lord Lieutenant shall appoint to make payments conformably to such orders; and such money shall be paid accordingly, and included in the expenses of the revision of such Compositions, and repaid in like manner and as part thereof.

21. Witnesses and Barristers how to be paid, and Expenses of Revision how to be repaid.

And be it Enacted, That every Barrister appointed for the duty of revising such Compositions as aforesaid shall be paid at the rate of Five Guineas for every day that he shall be so employed; and all such Barristers who shall be so employed together shall, after the termination of their sitting at each place, lay or cause to be laid before the said Lord Lieutenant of *Ireland* a statement of the number of Days during which they and each of them shall have been so employed, specifying in such account, where more than one Composition may have been revised at one place, the time employed and the expenses incurred in and about the revision of each such Composition respectively; and such Lord Lieutenant shall make an Order for the amount ascertained to be due to each such Barrister as aforesaid, to be paid to him out of the said Consolidated Fund; and the said Lord Lieutenant shall authorize and direct an account to be kept in the office of the Vice Treasurer of *Ireland*, of the amount of the money so advanced on account of the expenses of the revision of such Compositions respectively; and where any expenses shall have been incurred on account of the revision of several Compositions conjointly, the amount of such joint expenses shall be apportioned amongst them in such manner and proportions as the said Lord Lieutenant shall direct; and in case it shall have been adjudged that the owners or occupiers of Land within the Parish in which any such Composition may have been established should pay such expenses, or any proportion thereof, a Certificate of the amount of the money so payable by such owners or occupiers shall be transmitted, under the hand of the Chief or Under Secretary of the said Lord Lieutenant, to the said Commissioners of Land Revenues, who shall assess rateably, according to the amount of Rent-charges payable by them respectively upon the persons liable to Rent-charge in the Parish wherein such Composition may have been established, the amount of such expenses or the proportion thereof adjudged to be paid by them, and levy and recover the same from such persons, together with and in addition to the Rent-charges then next payable; and in case such expenses or any part thereof shall have been adjudged to be paid by any party who would have been entitled to any Composition for Tithes if this Act had not been made, a like Certificate shall be transmitted to the Ecclesiastical Commissioners for *Ireland*, who shall deduct the amount of such expenses, or the proportion thereof adjudged to be paid by such party, from and out of any payment or payments to be made by warrant as hereinafter mentioned to such party, or to any party claiming such payment or payments in the same right or character, or by and under the same title or any title derived therefrom; and such Commissioners of Land Revenues are hereby authorized and required to pay over the amount of such expenses so recovered or deducted, pursuant to the order and direction of the Commissioners of His Majesty's Treasury, and the money so paid over shall be applied to replace the sums so advanced out of the said Consolidated Fund.

22.
Appeals now before Privy Council may be referred to Barristers under this Act.

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to cause such Compositions concerning which any appeal is now pending before the Lord Lieutenant and Privy Council, or before any Judge of Assize, and remaining undecided, to be revised by Barristers to be appointed as herein directed, in the same manner and subject to the same provisoes and enactments, in respect of costs and all other matters, as are provided and enacted with respect to Compositions to be revised under the provisions hereinbefore contained: Provided always, That the parties concerned in such appeals shall not be liable to any other or greater costs than they would have been if this Act had not been made.

23.
Proceedings where the Liability of Lands to Rent-charge shall be disputed.

AND forasmuch as the Rent-charges made payable by this Act will be charged upon the Lands heretofore subject to the payment of Compositions for Tithes, it is expedient to make provision for the more cheap and convenient determination of the liability to such Compositions; BE it therefore Enacted, That where any person having any interest in the Land whereon any such Rent-charge shall appear charged, shall dispute the liability of such Land thereto, by reason of such Land having been Tithe-free, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the petition of any such person in a summary way, to make such Order, allowing or disallowing such claim of exemption, and to take such other proceedings thereon as are hereinbefore directed in the case of the petition of the said Revising Barristers, or to direct such feigned issue, or reference to any Master of the Court or the Chief or Second Remembrancer, or other proceeding as such Court shall think proper for the purpose of ascertaining whether such Lands would have been rightfully charged with Tithe Compositions if this Act had not been made, or if such Compositions had not been suspended; and if it shall appear to the Court that such Land would not have been rightfully charged with such Composition, it shall be lawful for the said Court to declare such Lands exonerated from such Rent-charge, and to make any Order for the amendment of the Rentals hereinafter mentioned, or any of them, and such Rentals shall and may be amended accordingly.

24.
What Prescriptions to be valid in Law in case of claims of Exemption from Tithes.

And be it Enacted, That all Claims of Exemption from or discharge of Tithes or Compositions for Tithes shall in all cases whatever be sustained and be deemed good and valid in law, upon evidence showing the enjoyment of the Land without payment or render of Tithes, money or other matters in lieu thereof, for the full period of Thirty Years next before the passing of this Act, unless the render or payment of Tithes or of money or other matter in lieu thereof shall be shown to have taken place at some time prior to such Thirty Years, or it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the claim of exemption shall be extended to the full period of Sixty Years next before the passing of this Act, such claim shall be deemed absolute and indefeasible, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar or other Corporation sole, whether spiritual or temporal, or by the said Ecclesiastical Commissioners, then every such prescription or claim shall be valid and indefeasible, upon evidence showing such enjoyment had as is hereinbefore mentioned for and during the whole time that Two Persons in succession shall have held the office or Benefice in respect whereof such render of Tithes in kind might have been claimed, and for not less than Three Years after the appointment and institution or induction of a Third Person thereto: Provided always, That if the whole time of the holding of such Two Persons shall be less than Sixty Years, then it shall be necessary to show such enjoyment had not, only during the whole of such time, but also during such further number of years either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of Sixty Years, and also for and during the further period of Three Years after the appointment and institution or induction of a Third Person to the same Office or Benefice, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing.

25.
To what Cases the hereinbefore contained Provisions shall not extend.

Provided always, and be it Enacted, That the Provisions hereinbefore contained with respect to the establishment of Claims of Exemption from or discharge of Tithes, shall not extend to any case where the Tithes of any Land shall have been demised by deed for any term of life or number of years, or where any Composition for Tithes shall have been made by deed or writing by the person or Body Corporate entitled to such Tithes with the owner or occupier of the Land for any such term or number of years, and such demise or Composition shall be subsisting at the time of the passing of this Act; nor to any Suit for establishing a claim to Tithes, which was pending on the First day of June in the present year.

26.
Time during which Lands shall be held by persons entitled to the Tithes thereof to be excluded in the Computation; as also the Time during which any person capable of resisting any Claim shall be an Infant, &c.

Provided, and be it further Enacted, That where any Lands or tenements shall have been held or occupied by any Rector, Vicar or other person entitled to the Tithes thereof, or by any person compounding for Tithes with any such Rector, Vicar or other person, whereby the right to the Tithes of such Lands may have been or may be during any time in the occupier thereof, or in the person entitled to the Rent thereof, the whole of every such Time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned: Provided also, That the Time during which any person otherwise capable of resisting any claim to any such exemption or discharge as aforesaid shall have been an Infant, idiot, *non compos mentis*, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

27.
What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

And be it further Enacted, That in all Proceedings to be taken after the passing of this Act, for the purpose of determining the Exemption or discharge of any Lands from Tithes, it shall be sufficient to allege that the exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and any provision, exception, incapacity, disability, contract, agreement, deed or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

28.
No Presumption allowed in support of any Claim for any less period than herein mentioned.

And be it further Enacted, That in the several cases mentioned in and provided for by this Act, no Presumption shall be allowed or made in favour or support of any claim of exemption, upon proof of the exercise or enjoyment of the right claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

29.
When Tithe-free Lands have been subjected to Composition, such Composition shall be reduced.

And be it Enacted, That where any Lands made subject to the payment of any part of a Composition (the amount of such Composition not having been fixed by agreement) shall by virtue of any decision in law or equity have been or at any time shall be declared to be exempt from the payment of Tithes, it shall be lawful for the said Commissioners of Land Revenues to nominate and appoint some proper person to inquire into and ascertain, by examination of the Commissioner or Commissioners, or Umpire, as the case may be, by whom such Composition may have been established, or otherwise upon the best evidence which can be procured, the sum included in the amount of such Composition on account of the Tithes of such Land; and the Rent-charges payable out of such parish, under the provisions of this Act, instead of such Compositions for Tithes, shall be reduced proportionably, and the hereinafter mentioned Rental thereof framed or amended accordingly; and the said Commissioners of Land Revenues shall from time to time as need may be, certify to the said Ecclesiastical Commissioners any diminution which may be made in the amount of such Rent-charges, and the payments to be made under the provisions hereinafter following to the persons who would have been entitled to Compositions for Tithes if the same had not been by this Act abolished, shall be diminished accordingly.

30.
Persons entitled to Compositions, to deliver up the copies of Certificates and Applotment Books.

And be it Enacted, That the several persons entitled to Compositions for Tithes shall with all convenient speed after the passing of this Act, transmit and deliver up to the said Commissioners of Land Revenues the copies of the Certificates of such Compositions and of the Books of Applotment in the possession of such persons respectively; and the said Commissioners shall, if need be, cause such copies to be compared with the originals thereof, and amended accordingly; and in case such copies of the Certificates and Books of Applotment shall not be forthcoming, it shall be lawful for the said Commissioners to cause copies to be made from the originals thereof by some person to be by them appointed for that purpose.

31.
Penalty on any person neglecting to deliver such Documents to Commissioners within a Month from passing of Act.

And be it Enacted, That if any such person as aforesaid shall refuse or wilfully neglect to deliver to the said Commissioners the documents hereinbefore mentioned within One calendar Month next after the passing of this Act, he shall be liable to be sued for the sum of One hundred Pounds, to be recovered by an Action of Debt or

Information in the name of His Majesty's Attorney General, in any of His Majesty's Superior Courts of Record at *Dublin*; and the jury may in any such action find a verdict for the sum of One hundred Pounds, or for any sum not less than Ten Pounds, as they shall think just, and the defendant against whom such verdict shall be found shall pay the amount thereof, with full costs of suit, to the use of His Majesty.

32.
The Commissioners of Land Revenues may amend Applotments

And be it Enacted, That in any case in which it shall appear to the satisfaction of the said Commissioners of Land Revenues at any time within Six Months after the passing of this Act, that the Applotment of any Composition is defective or unjust, or does not with sufficient precision ascertain the Lands and Holdings in respect whereof, or the persons by whom, the said Rent-charges will be henceforth payable, it shall and may be lawful for the said Commissioners, at any time within Six Months after the passing of this Act, to direct such Applotment to be amended, and for that purpose to appoint some One or more skilful person or persons, who shall therein have and exercise the like powers, privileges and authorities, and observe the several regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such instructions and directions as the Commissioners of Land Revenues shall prescribe for the avoiding any defect or uncertainty to which the original Applotment may have been liable; and such amended Applotment shall be returned to the said Commissioners, attested under the hand of the person or persons making the same, and the original Book of Applotment shall be amended accordingly; and such amended Book of Applotment shall be in the place and stead of the said original Book of Applotment, and be valid and effectual to all intents and purposes for which the said original Book of Applotment would have been valid and effectual, but in the meantime such original book shall be in full force and effect; and the said Commissioners shall pay to the person or persons employed by them for the purposes aforesaid such remuneration as they shall think reasonable; and it shall be lawful for the said Commissioners, if they shall so think fit, to assess upon the persons liable to such Rent-charges under any such Applotment the Expenses thereof, and to levy and recover the same together with and in addition to the Rent-charges then next payable.

33.
Distinct Rentals, showing the Rent-charges payable in each Parish shall be framed, and copies of Certificates, &c. to be transmitted to the Ecclesiastical Commissioners.

And be it Enacted, That the said Commissioners, having duly examined, compared and amended (as need may be) all such copies of Certificates and Applotments, shall cause to be framed therefrom distinct Rentals for each parish, and such rentals shall show the amount of the Rent-charges which will by virtue of this Act become payable to His Majesty out of each such parish, and the Lands in respect whereof the same will be so payable; and having caused such

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such Rentals to be framed, the said Commissioners shall deliver all such copies of Certificates transmitted to them as aforesaid, or copies of such Certificates as amended (in cases where the same may have been amended under the provisions hereinbefore contained) to the Ecclesiastical Commissioners for *Ireland*, to be by them kept and preserved.

34. The Rental shall be inrolled in the Office where the King's Rentals are preserved.

And be it Enacted, That the said Commissioners of Land Revenues shall cause the said Rentals, with such maps and plans thereto annexed as they may think necessary, to be deposited in the Office of Record in *Ireland* in which the original Rentals of the King's Rents are kept, and shall revise and amend such Rentals from time to time as they may find necessary; and any copy or extract therefrom, attested by the Officer in whose custody the same shall remain, and which copies the said Officer is hereby required to grant to any person applying for the same, on payment of such fee as the said Commissioners shall appoint, shall for the purposes of this Act be admitted in all Courts as conclusive evidence of the Rent-charges thereby appearing payable to His Majesty under this Act, and of all such matters and things as shall appear by such copy or extract, or be stated therein.

35. Receivers shall give Receipts; and also enter Receipts in a Book to be lodged in the Record Office.

And be it Enacted, That every Receiver to be appointed by the said Commissioners of Land Revenues under this Act, shall be appointed by warrant under the hands and seals of Two or more of the said Commissioners, and a duplicate of every such warrant, to be in like manner executed, shall be inrolled within One calendar Month after the date thereof in the Office of Record in *Ireland* where the Rentals of the King's Rents shall be preserved; and every such Receiver shall, upon payment of any Rent-charge, give to the person paying the same a full and clear Receipt and Acquittance for what he shall receive, under his hand, wherein he shall state the sum so by him received, and for what Rent-charge, and for what Lands, and on what account the same shall be paid to him; and every such receipt shall be given without fee or reward; and that every such Receiver shall every year prepare a Book wherein he shall enter all the receipts or acquittances by him given for all the aforesaid Rent-charge, under his hand, and in the presence of the Parties paying the same respectively, which receipts the said Parties, or any other person on their behalf, may without fee or reward set their names to; and the said Receivers respectively shall yearly return the said Books, under their hands and on their oaths, into the Office of Record in *Ireland* wherein the Books of the Collection of Quit, Crown or Composition Rents are or shall be deposited, and the same shall there remain and be kept, not only as a charge on such Receivers respectively, but also as a discharge to the subject for all sums thereby appearing to be paid as aforesaid.

36.
Rent-charges how to be recovered.

And be it Enacted, That the said Rent-charges shall have priority over all other Charges, Liens, Mortgages and Incumbrances whatsoever, and shall and may be recovered by the ways and means hereinafter mentioned, and also by all such other ways and means as any Rent-charge payable to His Majesty may be recovered: Provided always, That in any suit, process or proceeding which may be taken for the recovery thereof, Costs shall be awarded and paid or received to or by either Party in like manner as in any suit, process or proceeding taken by or between subject and subject.

37.
Where Rent-charge in arrear, and the person liable thereto shall not be in occupation of the Lands charged therewith, or where such person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c.

And be it Enacted, That in all cases where any Lands charged with the said Rent-charge shall be held or occupied by any person other than the person liable, under the provisions of this Act, to the payment thereof, it shall not be lawful to make any Distress upon such Lands, or upon any other Lands, Goods or Chattels of such person for such Rent-charge; but in all such cases, and also in all cases where the person liable to the payment of such Rent-charge may not be known to the Receiver, and such Rent-charge shall be in arrear and unpaid for the space of Thirty-one Days after the same shall have become due, it shall be lawful for a Court of Equity, upon application as hereinafter mentioned, and in default of its being shown to such Court that the person in occupation of such Land is liable to the payment of such Rent-charge, to make an Order that the Receiver or other person authorized by the said Commissioners of Land Revenues to demand payment of such Rent-charge shall receive the rents or such part of the rents of the Lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all arrears thereof, until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such Court, and also the costs out of pocket of such application, and that out of the sums so received such fees and costs shall be ordered to be paid; and that such Order shall be made upon the petition and affidavit of the said Receiver or other person authorized as aforesaid, after reasonable time given to show cause; and notice of the intention to make such application shall, Ten Days previous to making the same, be served upon the person, or the known Attorney, Agent or Steward of the person in receipt of or entitled to such rents, either by delivering such notice to the Party personally, or by leaving the same at his usual place of residence; and that the said Receiver shall be empowered by the said Court to recover the said rents, or so much thereof as may be necessary, by Distress and all such other remedies as Receivers in any manner appointed by Courts of Equity in *Ireland* are empowered to recover rents, according to the rules and practice of such Courts respectively.

38.
Receivers may distrain in cases where the person

Provided, and be it Enacted, That where the person liable to the payment of any Rent-charge shall occupy the Land in respect whereof the

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the same may be payable, it shall and may be lawful for every such Receiver, by himself or any person or persons whom he shall for that purpose depute, to make any Distress or Distresses for any arrears of such Rent-charge which shall be in the collection or receipt of such Receiver, and the goods, chattels and effects so distrained to impound, sell and dispose of in like manner as in case of a Distress for any Quit, Crown or Composition Rents payable to His Majesty out of Lands in *Ireland.*

liable to the payment of the Rent-charge is in occupation of the Land.

39.
Persons liable to Rent-charges, and not paying the same, liable to Interest on the Amount.

And be it further Enacted, That if any person liable to the payment of any Rent-charge shall be in arrear for the same for the space of Three calendar Months after the same shall have accrued due, every such person shall be charged and chargeable with Interest for such arrear, to be calculated after the rate of Three Pounds for every One hundred Pounds by the year, from the time at which the same became due up to to the time at which the same shall be actually paid; and that such Interest shall be added to the Rent-charge so in arrear as aforesaid, and recovered by the same ways and means, together with all costs and expenses incurred in or about the recovery thereof.

40.
Commissioners of Land Revenues may apportion Rent-charges.

Provided always, and be it Enacted, That if any party liable in respect of any such Estate or Interest as aforesaid to the payment of any such Rent-charge shall at any time be desirous that such Rent-charge shall be charged upon any particular part or parts only of the Lands subject thereto, or upon any other lands settled or limited to or for the same uses, trusts, intents or purposes, and in the same order and course of limitation, and subject to the same charges, liens and incumbrances, and shall give notice in writing of such desire to the Commissioners, then and in such case it shall be lawful for the said Commissioners to order and direct that the whole of such Rent-charge shall in future be exclusively charged upon such part or parts of the said Lands as shall be specified in such Notice, or upon such other Lands as shall be specified therein, and thereupon in the former case such part or parts of the Lands originally liable to such Rent-charge shall be exclusively subject thereto, and the rest of such Lands shall be freed and discharged therefrom, and in the latter case the Lands originally liable shall be discharged from the liability to such Rent-charge, and the Lands substituted in lieu thereof shall become exclusively subject to such Rent-charge: Provided always, That the annual value of the part or parts of any such Land which shall be so made exclusively subject to such annual payment, or the annual value of the other Lands which shall be so substituted, shall not be less in amount than Three times the amount of such Rent-charge at the least, and shall be separately described and distinguished in some deed or instrument to be prepared under the direction of the said Commissioners, and deposited in the same place and custody where the original Rental containing such Rent-charge shall be deposited under the Provisions of this Act, to be preserved and kept therewith, and to be in like manner open to inspection, and copies of or extracts taken therefrom in like manner, and having the like validity and effect, as copies and extracts of or from such Rental.

41.
Rent-charges to be variable in like manner as Tithe Compositions.

AND whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from time to time, with reference to the average price of corn, as advertised in the *Dublin* Gazette during the preceding seven years; and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions should be subject to a similar variation; BE it therefore Enacted, That it shall and may be lawful for any Three or more persons in any parish or place, each charged with the annual payment of Three Pounds or upwards in respect of any such Rent-charges, and for the said Commissioners of Land Revenues, respectively to make application for the increase or diminution of such Rent-charges at such periods from time to time and in such manner as if he or they were liable to the payment of Compositions for Tithes or entitled to the receipt of such Compositions, he or they might respectively make such application; and the like notice of any such application shall be given, and all such and the like proceedings had thereupon, as by the provisions of the said several Acts for establishing Compositions for Tithes in *Ireland* authorized and directed in the case of applications thereunder; and such Rent-charges shall be increased or diminished, and the Rentals deposited in the Office of Record where the King's Rentals are kept shall be altered accordingly; and the said Commissioners of Land Revenues shall from time to time, as need may be, certify to the said Ecclesiastical Commissioners any increase or diminution which may be made in the amount of such Rent-charges, and the payments to be made under the provisions hereinafter following to the persons who would have been entitled to Compositions for Tithes out of the Lands subject to such Rent-charges, if this Act had not been made, shall be increased or diminished accordingly; provided, that when the price of any particular species of corn shall be stated in the Certificate of such Composition, the Justices to whom such application may be made shall ascertain the average price of that species of corn from the said Gazette, and such comparison shall be made between the price thereof as stated in such Certificate, and the price thereof as so ascertained from the said Gazette during each period of seven years: And provided further, That where the price of corn shall not be stated in any such Certificate of Composition, the said Justices shall ascertain from the said Gazette the average price of corn for the period of years with reference whereto such Composition may have been calculated, and deal therewith as if the same had been originally stated in such Certificate.

42.

On the First December in this present year, and on the First November in every succeeding year, the several persons entitled to Compositions shall apply to the Ecclesiastical Commissioners, who shall ascertain the Amount due to such Applicants, and issue Warrants on the Commissioners of Land Revenues for such Amount, subject to a Deduction of 32*l.* 10*s.* per centum.

And be it Enacted, That on or as soon as conveniently may be after the First day of December in this present year, and on or so soon as conveniently may be after the First day of November in every succeeding year, the several persons, other than the Incumbents of Benefices hereinafter mentioned, who would have been at such time entitled to Compositions for tithes, or any part or proportion thereof, if the same had not been by this Act abolished, shall, in such manner and form as the said Ecclesiastical Commissioners may appoint, make application to the said Ecclesiastical Commissioners, showing their respective rights and interests, and such Commissioners shall examine into and ascertain the same, provided that the amount due to each such applicant shall be computed on the original amount of such Compositions as stated in the certificates thereof respectively, without regard to the abatement of Fifteen per centum to which any Landlord paying the same might have been entitled by virtue of any undertaking and agreement under the provisions of the hereinbefore recited Act of His present Majesty's reign, but subject nevertheless to such alteration in the amount of each such Composition as may be made under the provisions hereinbefore contained for the Revision of such Compositions, or as may take place with reference to any variation in the price of corn as heretofore provided or otherwise under the provisions of this Act; and having in such manner computed and ascertained the amount to which each such applicant may be entitled, the said Commissioners shall reduce the same at and after the rate of Thirty-two Pounds Ten Shillings per centum on the amount so found due, and shall deliver or cause to be delivered to each such applicant, or to his order, a warrant expressing the sum to which he may be so found entitled, reduced as aforesaid; and in like manner and time the several Incumbents of Benefices, and Curates, of whom the incomes may be regulated by order of the Lord Lieutenant in Council, under the provisions hereinafter contained, and the several persons in anywise claiming in their right or in any right derived therefrom, shall make application to the said Ecclesiastical Commissioners showing their respective rights and interests, and the said Commissioners shall examine into and ascertain the same, and deliver or cause to be delivered to each such applicant, or to his order, a warrant expressing the sum to which he may be found entitled, deducting therefrom Sixpence in the pound; and every such warrant shall bear date on the day on which the same shall be issued, and shall be addressed to the said Commissioners of Land Revenues, and shall be subscribed by Two at least of the said Ecclesiastical Commissioners, and countersigned by the Secretary of such Commissioners, and shall be made in such method and form as shall be deemed most safe and convenient by the said Commissioners of Land Revenues; and all such warrants so to be made out in each year shall be respectively numbered arithmetically, beginning with the number one, and shall be prepared and made out with such cheques, indents, and counterparts as shall be directed by the said last-mentioned Commissioners; and at some time previous to the day or days to be

Incumbents of Benefices, and Curates, to whom Incomes may be assigned under this Act, shall apply in like manner, and shall receive like Warrants for Sums to which they may be found entitled, subject to a deduction of Sixpence in the Pound.

appointed as hereinafter mentioned for the payment of such warrants, the said cheques, indents, or counterparts from which the said warrants shall have been cut, shall be delivered to the cashier or cashiers of the Bank of *Ireland* appointed to pay off the said warrants, and shall remain in the use and custody of such cashier or cashiers, in order to prevent his or their being imposed upon by forged or counterfeit warrants.

43.
Rents and Sums due by Owners of Tithes shall be deducted.

3 & 4 Wil. 4, c. 37.

And be it Enacted, That where any person entitled as aforesaid to the receipt of any Composition shall be liable to the payment of any rent or annual sum in respect of such Composition or of the Tithes to which the same may relate, either to His Majesty or to any other person, or where any spiritual person shall be liable to the payment of the tax payable under the provisions of an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in *Ireland*," or to any other sum payable to the said Ecclesiastical Commissioners in respect of any dignity, benefice, office, or promotion spiritual, the said Ecclesiastical Commissioners shall, after having ascertained the amount to which such person may be entitled as hereinbefore provided, subject to the said deductions of Thirty-two Pounds Ten shillings, or Sixpence in the Pound, as the case may be, deduct from such net amount so reduced the amount of such tax, rent or sum, or, in cases where any Lands may be held together with such Tithes at one entire rent, then a proportionate part of such rent, and the residue only shall be expressed in the warrant to be delivered to the person entitled as aforesaid to such Composition; and the said Commissioners shall deliver or cause to be delivered to the person entitled to such rent or sum, or to his order, a warrant, wherein the amount of rent so deducted shall be expressed, and shall, when such rent or sum shall be payable to His Majesty, certify the amount deducted as aforesaid to the said Commissioners of Land Revenues, to be by them paid over to the proper account, and in the case of the said tax or other payment due to themselves, shall deliver to their own Treasurer a warrant addressed to the said Commissioners of Land Revenues for the amount thereof.

44.
Holders of Leases of Tithes, &c. may surrender the same, or compel the Lessors to reduce the Rents.

Provided, and be it Enacted, That if any Lease or Demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the passing of this Act, it shall and may be lawful for the Lessee in such Lease, or his Representatives, within Two calendar Months after the passing of this Act, to surrender such Lease to his immediate Lessor or his Representative; or it shall be lawful for such Lessee or his Representatives, instead of surrendering such Lease, to serve on such Lessor or his Representatives within such period of Two Months, a notice in writing requiring him or them to reduce the rent reserved by such lease in proportion to the reduction of the profits arising thereunder, by reason of the conversion of the Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the provisions of this Act; and in case such Lessor or his Representatives shall omit or refuse, during the period of One calendar Month from the service of such notice, to agree to make the abatement specified in such notice, or such other abatement as shall be satisfactory to the person serving such notice, the matter of such notice shall be referred to Three Arbitrators, one to be appointed by such Lessee or his Representative, another by such Lessor or his Representatives, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after notice in writing to be given by such Lessee or his Representative for that purpose; and in case such Lessor or his Representatives shall omit or refuse, within Ten Days after the service of such notice as last aforesaid, to appoint an arbitrator on his or their behalf, it shall and may be lawful for such Lessee or person serving such notice to apply to the Commissioners of Land Revenues, by affidavit stating the facts, whereupon the said Commissioners of Land Revenues shall and they are hereby authorized to nominate and appoint an Arbitrator to act on the part of such Lessor so omitting or refusing to act as aforesaid, and the appointment of such Arbitrator shall be equally valid to all intents and purposes as if made by such Lessor; and in case of the death or incapacity, neglect or refusal to act of any of the said Arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said Arbitrators appointed by the parties, as the case may be, within Ten Days next after notice thereof; and the said Arbitrators, or any Two of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such ways and means as they shall think proper, whether any and what abatement of the rent reserved in any such Lease should be made to the Lessee therein named, for or on account of the deduction in the amount of Tithe recoverable under such Lease, arising from the operation of this Act; and the said Arbitrators, or any Two of them, shall specify in their award the amount of the abatement to be made in the rent reserved in said Lease, and the amount so specified shall be no longer payable or recoverable under such Lease, and such award shall be of like force and effect as a release of so much of said rent as is thereby directed to be abated; and the said Arbitrators shall execute two copies of their said award, one to be delivered to the Lessor in such lease or his Representatives, and the other to be deposited with the said Commissioners of Land Revenues; and such Arbitrators, or any Two of them, shall have power and are hereby authorized to award that such Lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

45.
In cases of doubt as to the Rights of the parties entitled to Payment, the Ecclesiastical Commissioners may apply by Petition to the Court of Chancery or Exchequer for its direction.

Provided always, and be it Enacted, That if the said Ecclesiastical Commissioners shall entertain any doubt or difficulty in ascertaining the rights and interests of the parties respectively entitled to such payments, it shall and may be lawful for the Courts of Chancery and Exchequer in *Ireland*, upon the petition of the said Commissioners stating the premises in a summary manner, either to make an Order disposing of the matter of such petition, or referring the same to any Master or to the Chief or Second Remembrancer, with liberty for the parties to attend him, and with such other directions as such Court shall deem proper, or to direct such feigned issue or other proceeding as the Court, at its discretion, may deem proper for ascertaining the rights of the parties; and in such case the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the Money in dispute to the Accountant-General of such Court, who shall be authorized to receive payment thereof; and the Monies paid thereon shall be applied in such manner as such Court shall think equitable and just for the benefit of the party or parties who shall be found entitled thereto; and in the meantime and until the same shall be so applied such Monies shall, by order of such Court upon application thereto, be invested by the Accountant-General of the said Court, without fee or reward, in his name, in the purchase of such Public Funds or Government Securities as the said Court shall direct; and the said Ecclesiastical Commissioners shall have their costs out of the Fund to which such petition shall relate; and the costs of any other party to such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced by attachment or otherwise, as such Court shall direct.

46.
Certificates of Compositions shall be only primâ facie Evidence of the Rights of the persons entitled thereto as between themselves.

AND whereas doubts have arisen with respect to the effect of Certificates for the Composition of Tithes in *Ireland* made under the authority of the said Acts for establishing such Compositions as respects the rights or titles of persons having or claiming to have estates or interests in the Tithes or Compositions to which such Certificátes respectively relate; BE it therefore Enacted, That no Certificate under said Acts or any of them shall, as against any person claiming any estate or interest in Tithes or Composition for Tithes, and asserting such claim by any proceeding at law or in equity, or in the case of any such petition to the said Courts of Chancery or Exchequer, be deemed to be evidence of the right or title of any person in such Certificate described; and that if it shall be decided by any court of competent jurisdiction that any person other than the person in such Certificate described, or those deriving under such person, would have been entitled to such Composition, or to the Tithes to which the same shall relate, the person so declared entitled shall be thereupon authorized and entitled to receive the payments accruing due under authority of this Act, in lieu of the Composition in such Certificate mentioned, as if originally named therein; and until such decision, such Certificate, and all payments made under the same, shall be good, valid and effectual against all persons whatsoever.

47. If Warrants defaced, new Warrants may be given instead and former Warrants cancelled.

Provided, and be it Enacted, That in case any of the said Warrants shall by any accident be defaced, it shall be lawful for the said Ecclesiastical Commissioners to cause a new Warrant to be made in lieu of the Warrant so defaced, which Warrant so defaced shall be cancelled by the said Ecclesiastical Commissioners; and such Warrant so to be made in lieu thereof shall have the like effect, and in all respects be subject to the same rules, and have and bear the same number, date and principal sum as the Warrant so cancelled.

48. If Warrants lost, others may be issued for the same Amount, an Indemnity being given by the person receiving such other Warrant.

Provided also, and be it further Enacted, That in case proof shall be made on oath by one or more credible witness or witnesses, before any Baron of His Majesty's Court of Exchequer in *Ireland*, that any Warrant has been by casualty or mischance lost, burned, or otherwise destroyed before the same shall have been paid off and discharged, and if by such oath the number and sum of such warrant shall be ascertained, and such Baron shall certify that he is satisfied with such proof, then and in every such case the said Ecclesiastical Commissioners are hereby authorized to cause another warrant to be made and delivered for the sum expressed in the warrant so lost, burned or destroyed; provided that the person so receiving such other warrant do give security to the King to the satisfaction of the said Commissioners of Land Revenues for the sum so expressed, if the warrant so certified to be lost, burned or destroyed shall be thereafter produced.

49. A Time to be appointed for paying off Warrants.

And be it Enacted, That the said Commissioners of Land Revenues shall, as soon as conveniently may be after the First day of January in every year, appoint and notify a time or times for receiving and paying off such warrants respectively, and shall cause the same to be paid off and discharged accordingly at the Bank of *Ireland*, together with interest at the rate of Three Halfpence per centum per diem on the several sums contained or expressed therein, from the First day of February in the year next succeeding the passing of this Act, and from the First day of January in every succeeding year, until the times so appointed for paying off and discharging such warrants; and the Cashiers of the Bank of *Ireland* shall at such time or times pay off the sums contained or expressed in all such warrants, with interest as aforesaid, as shall be from time to time in course of payment, and sake in to be cancelled, as the said Commissioners of Land Revenues shall direct, all warrants so paid off.

50.
His Majesty to appoint a Committee of the Privy Council to be styled "The Ecclesiastical Committee of the Privy Council of *Ireland*."

Committee to subscribe a Declaration.

And be it further Enacted, That it shall be lawful for His Majesty, from time to time, by His Sign Manual, to appoint such and so many persons as He may think fit, being Privy Councillors of the Privy Council of *Ireland*, and Members of the United Church of *England* and *Ireland*, to be a Committee of the said Privy Council of *Ireland*, which shall be styled, "The Ecclesiastical Committee of the Privy Council of *Ireland*;" and it shall be lawful for His Majesty from time to time at His pleasure to remove any person so appointed: Provided that no matter shall be considered, nor any report or recommendation made by the said Ecclesiastical Committee in pursuance of this Act, unless in the presence of at least Three Members of the said Committee, and that no report or recommendation be made unless a majority of the Members of such Committee present at the consideration of the matter shall concur in such report or recommendation; and provided always, That each and every person so at any time appointed to be of such Committee, do and shall before acting under such appointment subscribe a Declaration, to be recorded among the acts of the said Council, in the words following; (that is to say)

> "I Do hereby solemnly, and in the presence of God, testify and declare, That I am a Member of the United Church of *England* and *Ireland*, as by law established. Witness my hand, this day of ."

And provided further, That such of the Archbishops of *Ireland* as shall be Privy Councillors shall without any appointment be *ex officio* Members of the said Ecclesiastical Committee.

51.
When any Benefice shall become vacant, the Ecclesiastical Commissioners shall report the circumstances thereof to the Lord Lieutenant, who shall refer same to a Committee of Privy Council.

And be it Enacted, That when and as the Church of each Parish or Union, whether forming the corps of any dignity or otherwise, shall, after the passing of this Act, become vacant in any manner whatsoever, the said Ecclesiastical Commissioners shall inquire into the nature and extent of each such Parish or Union; the number of the members of the Established Church therein, as the same may appear by the Report of the Commissioners named in the hereinbefore recited Commission, bearing date the Fifth day of August, in the Fifth year of His Majesty's reign, or by the returns or other documents or evidence upon which such report may have been framed, the situation of each Church and Glebe House; the nature and extent of the Glebe Lands; the number of Services celebrated on Sundays; the places within each such Parish or Union, other than a church, wherein divine service is occasionally celebrated; and how often and since, when and at what periods, and such other circumstances as they may think material with reference to each such vacant Parish or Union, and any adjoining Benefices; and shall report all such facts and circumstances to the said Lord Lieutenant, who shall refer such report to the said Ecclesiastical Committee of the Privy Council of *Ireland*; and that such Committee shall take each such report into consideration; and the said Lord Lieutenant shall have power and authority, from time to time, to require the said Ecclesiastical Commissioners to ascertain and report such further or other particulars relating to each such Parish or Union so vacant, or to any adjoining Benefices as such Committee shall represent to be material; and that the said Committee having fully considered all the facts and circumstances shown by such first or by any subsequent report shall decide whether any alteration of the boundaries of each such vacant Parish or Union is proper to be made; and if so, whether the same should be divided into two or more benefices, or the whole or any and what part or parts thereof, united to any and what adjoining Benefice or Benefices, or part or parts thereof; and shall assign boundaries and a name to the new Benefice or Benefices, if any, so proposed to be formed; and having decided upon the matters aforesaid, the said Committee shall next consider and fix, subject to the regulations hereinafter contained, the amount of income proper for the future incumbent of each such vacant Benefice, it it shall have been decided that the same should be maintained unaltered, according to its existing boundaries; and if they shall have decided on any such alteration as aforesaid, they shall consider and fix, subject to the like regulations, the incomes proper, severally, for the future Incumbents of the new Benefice or Benefices, as the case may be, so proposed to be formed; and the said Committee shall in like manner consider and fix, subject to the like regulations, the extent of Glebe Lands, if any, proper to be annexed to such existing or new Benefice or Benefices, as the case may be; and the said Committee shall also take into consideration the situation and suitableness for the purposes of such Benefice or Benefices of any Glebe-house or Church or Chapel which may be therein, and make such decision as shall appear to them proper in respect of the occupation and appropriation thereof; and shall also fix and report upon all such matters and things relating to any such Benefice, and to any charges or payments affecting or to be made by or to the late Incumbent of such Parish or Union, or his successors, as they may think proper; and shall make such recommendation and report in the premises as they shall think proper to the said Lord Lieutenant in Council; and an order of the said Lord Lieutenant in Council shall be made pursuant thereto, and it shall be lawful for the said Lord Lieutenant in Council, by such order to settle and adjust all such matters in respect of residence, ecclesiastical dues, parochial rights, payments, pensions, procurations, synodals, crown rents, port corn rents, salaries of school masters, right to pews, repair of chancels, boundaries and other matters and things proper or necessary to be settled and adjusted, in consequence of the changes directed to be made by such

Lord Lieutenant may require a further Report.

Committee shall decide whether the boundaries of vacant Benefice shall be as heretofore; or whether same shall be divided, or united to some adjoining Benefice.

Committee shall fix Amount of Payment to be made to future Incumbent, and extent of Glebe Lands to be annexed to Benefice.

Lord Lieutenant in Council shall make order accordingly.

order; and the order of the said Lord Lieutenant in Council, upon all such matters and all other matters contained in the recommendation and report of the said Ecclesiastical Committee shall be conclusive and binding in law, as well in respect of His Majesty as all other persons affected thereby; and a copy or copies of such order, certified under the hand of the Clerk of the said Council, with such maps or charts annexed thereto as may be necessary, shall be transmitted to the Bishop of the Diocese or Bishops of the Dioceses within which the Benefice or Benefices to which order may relate shall be situate, and shall be entered in the Registry of each such Diocese, for which entry the sum of Thirteen Shillings and Four-pence and no more shall be paid to the registrar, and shall also be inrolled in the Rolls Office of the Court of Chancery in *Ireland*, for which inrolment the sum of Thirteen Shillings and Four-pence and no more shall be paid, over and above the expenses usually paid to the engrossing clerk for the same; and another copy of such order, with such maps and plans as aforesaid annexed thereto, shall be transmitted to the Ecclesiastical Commissioners for *Ireland*, to be by them kept and preserved in their office.

52. Lord Lieutenant empowered to make a supplemental Order for removing doubts or settling disputes.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant in Council from time to time, as occasion may require, to make any supplemental Order or orders for removing such doubts and settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained for uniting or dissevering Benefices, and for altering the boundaries of contiguous parishes; and every such supplemental Order shall have the same force and effect, as if it had formed part of any original order made under the provisions of this Act.

53. The alteration of the boundaries of Benefice may be delayed, until avoidance of any neighbouring Benefice.

Provided, and be it Enacted, That if upon the vacancy of any Church, it shall seem convenient to the said Ecclesiastical Committee that such alterations as they may deem proper, should not take effect until the avoidance of some other Church; they shall make a recommendation to that effect to the said Lord Lieutenant in Council, and order shall be made accordingly, and an Incumbent appointed to the Benefice so vacant, who shall hold the same subject to such arrangements in respect of income, boundaries, duties and all other matters, as shall be expressed in such order, or such further order, as shall be made in respect thereof.

54. The Incomes of future Incumbents regulated.

And be it Enacted, That the extent of Glebe Land to be annexed to any Benefice under the provisions hereinbefore contained, shall not exceed Thirty Statute acres; and that the incomes to be assigned to the Incumbents of Benefices under the provisions hereinbefore contained

tained, shall be regulated in manner following; that is to say, in case it shall appear by the hereinbefore-mentioned report or by the returns or other documents or evidence upon which such report shall have been framed, that the number of the members of the Established Church in any Benefice now existing, or which may be formed as aforesaid, does not exceed Fifty, the annual income to be assigned to the Incumbent of such Benefice shall not exceed One hundred Pounds, exclusive of the value of any Glebe Lands annexed thereunto by any such order as aforesaid; and in case it shall appear by such Report or Returns, or other documents or evidence, that the number of the members of the said Established Church, in any such Benefice, does exceed Fifty but does not exceed Five hundred, the annual income to be assigned to the Incumbent thereof, shall not exceed Two hundred Pounds, nor be less than One hundred and Fifty pounds, exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and in case it shall appear by such Report or Returns or other documents or evidence, that the number of the members of the said Established Church in any such Benefice does exceed Five hundred but does not exceed One thousand the annual income to be assigned to the Incumbent thereof shall not exceed Three hundred Pounds nor be less than Two hundred and fifty Pounds, exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and in case it shall appear by such Report or Returns or other documents or evidence that the number of the members of the said Established Church in any such Benefice does exceed One hundred but does not exceed Three thousand, the annual income to be assigned to the Incumbent thereof shall not exceed Four hundred Pounds nor be less than Three hundred Pounds, exclusive of the value of any GlebeLands annexed thereunto as aforesaid; and that in no case whatsoever shall the annual income assigned to the Incumbent of any Benefice exceed Five hundred Pounds, exclusive of the value of any Glebe Lands annexed as aforesaid to such Benefice, unless the same be situate in a city or town: Provided always, That in case it shall appear by the said Report or Returns or other documents or evidence that the number of the members of the Established Church in any Benefice exceeds One thousand, it shall be lawful for the said Lord Lieutenant in Council, upon the recommendation of the said Ecclesiastical Committee, to direct the appointment of One or more Curates, as he or they shall think necessary, regard being had to the extent of the ecclesiastical duties to be performed in such Benefice, and shall assign to each such Curate a stipend of One hundred Pounds per annum, whereof Seventy-five Pounds shall be payable by warrant of the said Ecclesiastical Commissioners, addressed to the said Commissioners of Land Revenues in manner hereinbefore provided, and the remaining Twenty-five Pounds payable by and recoverable from the Incumbent of such Benefice, in like manner as the stipend or salary of any Curate is now by law payable and recoverable, and each such Curate shall be nominated by the Incumbent, and licensed by the Ordinary accordingly, and shall be bound to the performance of ecclesiastical duties within such Benefice, and be subject to removal in the same manner and with the same right of appeal as any stipendiary Curate under the laws now in force.

55.
Order of Lord Lieutenant shall take effect at the periods expressed therein.

And be it Enacted, That every such order made by the said Lord Lieutenant in Council, under the provisions of this Act, shall take effect in its several parts from such period or periods respectively as may be expressed in such order, and the Incumbent of any Benefice to which any vacant Benefice, or part thereof shall be by such order united, shall, by force of such order, and according to the terms thereof, without further appointment, be and become *ipso facto*, from the period named in such order in that behalf, the Incumbent of such newly-erected Benefice, and seised and possessed thereof as of one complete and entire Benefice by the name or designation which may be assigned to the same by such order, and shall enter upon and be charged with the cure of souls: Provided nevertheless, That where upon occasion of the avoidance of any Church as aforesaid, any parish or parishes shall be, by any such order as aforesaid, united in whole or in part to any other parish or union, such order shall not take effect in so far as respects the income assigned to the Incumbent of any new Benefice so formed until the next avoidance thereof, unless with the consent in writing of the person so becoming, by virtue of such order, Incumbent of such new Benefice; and in the mean time it shall be lawful for the said Lord Lieutenant, either to authorize and direct the payment to such Incumbent of such annual allowance, not exceeding One hundred Pounds, as he may think fit, in consideration of the additional duty devolving upon him by reason of such union, or to authorize and direct a Curate to be appointed during his incumbency in such newly-erected Benefice, and an annual stipend to be paid during such incumbency to such Curate, not exceeding One hundred Pounds, and such Curate shall be nominated and licensed by the Ordinary accordingly; and shall be bound to the performance of ecclesiastical duties within such newly-erected Benefice, and be subject to removal in the same manner, and with the same right of appeal as any stipendiary Curate under the laws now in force.

Proviso as to payment to continuing Incumbent.

56.
CLAUSE (A.) Augmented Incomes not to be payable until the Funds in the hands of the Commissioners of Land Revenues shall be adequate.

AND whereas, by the operation of the hereinbefore contained Provisions, the Incomes of the Incumbents of Benefices will be in certain cases augmented, and the funds accruing to the Commissioners of Land Revenues under this Act may not be immediately adequate to the payment of such augmented Incomes, in addition to the other charges payable out of such funds; BE it therefore further Enacted, That if the effect of any such order as aforesaid shall be to augment the gross charge upon the funds accruing to the said Commissioners of Land Revenues as aforesaid, it shall and may be lawful for the said Lord Lieutenant in Council, by the same or any supplemental order or orders, to limit and fix from time to time, with reference to the annual amount of the funds so accruing to the said Commissioners of Land Revenues and the charges thereupon, the amount of income to be paid to the Incumbent of any Benefice mentioned in such order, until such funds shall become adequate to the payment of the full amount of income assigned to such Incumbent by such order; and the said Commissioners of Land Revenues shall at all times when and as required by the said Lord Lieutenant in Council, certify the amount of their annual Receipts and Disbursements, for the purpose of enabling the said Lord Lieutenant in Council to make such order as aforesaid.

57. Parishes altered under this Act deemed single Parishes, but not to affect secular Rates, &c.

And be it Enacted, That when any parish or parishes, or part or parts thereof, shall be united under the provisions of this Act to any other parish or parishes, or part or parts thereof, or the boundaries of any parish altered for the purpose of forming a new Benefice, all such parishes or parts of parishes so united or altered shall be for the purposes of this Act deemed and taken to be single parishes; and the Incumbent of such newly-erected Benefice, and the Parishioners and Inhabitants thereof, shall proceed to the election of Churchwardens and other parochial officers, in such time and manner as the said Lord Lieutenant in Council shall direct: Provided always, That no such union nor alteration of the boundaries of any parish shall in any way affect the secular rates, taxes, charges, duties or privileges of such parishes, or any part of them, otherwise than may be expressed in the order effecting such union or alteration.

58. Incumbents of Benefices formed under this Act to be Vicars.

And be it Enacted, That every new Benefice formed under the provisions of this Act, when such Benefice shall become complete, and until it shall become complete then so far as the recommendation of the said Ecclesiastical Committee and the order made thereupon shall have taken effect, shall be deemed a Rectory or Vicarage, as may be expressed in such order, and the spiritual person collated thereto and serving the same shall be the Rector or Vicar thereof, and shall have such tenure and estate in his benefice, and shall be subject to such jurisdiction of the diocesan or other jurisdiction and to such laws as to holding Benefices as are applicable to Rectors or Vicars in *Ireland*, and shall have such rights and privileges and be subject to the obligation of such duties within his Benefice as Rectors or Vicars shall from time to time have or be subject to within their respective parishes.

59. Lord Lieutenant in Council shall determine to what Diocese

And be it Enacted, That if any newly-erected Benefice shall comprise parishes or parts of parishes locally situate in different dioceses, newly-formed Benefices, partly situate in different Dioceses shall belong.

Churches and Glebe Houses annexed to Benefices shall be deemed to be within the same wherever situate.

it shall be lawful for the said Lord Lieutenant in Council, by such order as aforesaid, to determine and direct to which of such dioceses such newly-erected Benefice shall belong; and in case by any such order as aforesaid any Church or Glebe-house or offices shall be appropriated to any Benefice, the same shall for all purposes expressed in such order be deemed to be within such Benefice, although such Church or Glebe-house and offices may be locally situate within any other parish or benefice.

60.
Boundaries of Benefices and Incomes of Incumbents may be regulated from time to time.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners from time to time, as they may think necessary, upon the Church of any parish or union becoming vacant at any time hereafter in any manner whatsoever, whether the same may be an ancient parish or union, or at any time formed under the provisions of this Act or by virtue of any law now in force in Ireland, to report to the said Lord Lieutenant on the then state and circumstances thereof, who shall refer such report to the said Ecclesiastical Committee, and they shall in like manner, as upon the first avoidance of any Church after the passing of this Act, consider whether any alteration may be or have become proper, in respect of the boundaries of such Benefice, or of the income of the future Incumbent, or of the extent of Glebe Lands annexed to such Benefice, and shall make such recommendation and report in the premises as they shall think proper, subject nevertheless to the like regulations as have been hereinbefore prescribed in respect of the arrangements to be made upon the first avoidance of any Church after the passing of this Act; and the said Lord Lieutenant in Council shall make an order in pursuance thereof, and shall therein have and exercise all such powers and authorities, subject to the like rules and regulations as are hereinbefore mentioned in respect of any report, recommendation or order concerning benefices first becoming vacant after the passing of this Act; and such subsequent order shall operate as a revocation to the extent therein expressed of any former order, and shall be of the like force and effect as such order would have been if not so revoked; and such subsequent order shall be registered and inrolled, and copies thereof made, attested and transmitted in like manner as have been hereinbefore provided in respect of any order made on the first avoidance of any Church after the passing of this Act.

61.
Impropriators liable to provide Curates, shall, after union, contribute rateably

AND whereas in some impropriate parishes the Impropriators or Possessors of the Tithes of such parishes are obliged by law to find a Curate to serve the cure of the said parishes; BE it therefore Enacted, That in case such parishes so appropriate or impropriate shall be divided or united, in whole or part, by virtue of the hereinbefore contained provisions to any other parish or parishes, such Impropriator or

Possessor shall be liable to make such provision, or pay such contribution, towards or for the maintenance and support of the Curate or Minister of such divided or united parishes as shall be settled and adjusted by the said Lord Lieutenant in Council, and specified in such order or orders as hereinbefore mentioned, for settling and adjusting all matters and things proper or necessary to be settled and adjusted, in consequence of the changes directed to be made by such order or orders, provided that no greater charge, in the whole, shall be imposed upon any such Impropriator or Possessor than he may have been by law previously liable to.

62. **Commissioners to pay off Charges of Benefices.**

And be it Enacted, That in case the said Lord Lieutenant in Council shall by any such order as aforesaid so direct, the said Ecclesiastical Commissioners shall, by such instalments, to be made in such manner and at such periods from and after such vacancy of the Church of each parish or union in respect whereof such direction shall be given as any Incumbent succeeding thereto would have been bound or liable if this Act had not been made, to pay to and satisfy the Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have been occasioned, all and every such sums of money as by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors, if this Act had not been made, and such successors are in every such case hereby exonerated and discharged from all liability thereto.

63. **Commissioners may recover Sums due to successors in Benefices; and also for dilapidation.**

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, in every case where they may have been directed, to make such payment as aforesaid to any Incumbent, his executors or administrators, to recover from such Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have occurred, all and every such sums of money as the successor of such Incumbent (if such order had not been made) could have recovered by force of any law or statute, for or on account of dilapidations, and such Incumbent is in every such case hereby discharged and exonerated from and against all and every such claim on the part of any such successor; and that the said Commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successors of such Incumbent could or might have used if this Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any money which they may be liable under the provisions hereof to pay any such Incumbent, his executors or administrators, such sums as shall be respectively payable by or recoverable from such Incumbent, his executors or administrators, for or on account of such dilapidations, in like manner as the successors of any such Incumbent might have deducted the same under any law or statute if this Act had not been passed; and any surplus which may arise by such means in the hands of the said Ecclesiastical Commissioners shall be paid over to the said Commissioners of Land Revenues.

64.
Benefices becoming vacant after the passing of this Act not to be filled without notice.

And be it Enacted, That whenever the Church of any parish or union shall at any time after the passing of this Act become vacant in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such parish or union, until the expiration of Two calendar Months after notice in writing of such vacancy shall have been given to the said Ecclesiastical Commissioners by the Corporation or person having the patronage thereof or right of appointment thereto, and any appointment which shall be made without such notice previously given shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant and Council may and are hereby required to exercise all the powers hereby vested in them in relation thereto, in such manner as if the Church of such parish or union were vacant.

65.
Persons hereafter appointed to Benefices to hold the same subject to the provisions of this Act.

And be it further Enacted, That every person who shall be appointed to any Benefice in *Ireland* at any time after the passing of this Act, shall take and hold the same, and all property, rights and privileges thereunto belonging, subject to and under such alterations or provisions as shall or may at any time be made under the provisions of this Act, with respect to the extent or boundaries of such Benefice, or with respect to the amount, disposition and application of the property or income thereof: Provided always, That in the meantime and until any such provisions and regulations shall have been so made as aforesaid, and subject and without prejudice to any provisions and regulations which for the time being shall have been so made, such incumbent shall and may have and exercise all the same powers and privileges as if this Act had not been passed.

66.
The Ecclesiastical Commissioners shall compensate the owners of Advowsons coming under the operation of this Act, unless such Advowsons belong to the King or Ecclesiastical Corporations.

And be it Enacted, That where the right of appointment to any Benefice or any turn therein shall belong to the College of the Holy and Undivided Trinity, near Dublin, or to any person other than the King or any Ecclesiastical Corporation sole or aggregate; and such Benefice shall be reduced in value, or the whole or any part thereof united to any other Benefice under the powers hereinbefore contained, the said Lord Lieutenant in Council shall cause compensation to be made to the party having such right of appointment or turn therein by the payment of such sum of money as he and they shall think fit, for the diminution of the annual value of such Benefice, or for the absolute purchase of such Advowson or turn therein (so that such sum of money shall in no case exceed Twelve Years' purchase of the annual value of such Benefice, or of the annual sum by which the annual value thereof shall be reduced): Provided always, That in case of the union of the whole or any part of such Benefice to another Benefice, and if the income assigned to the Incumbent of such newly-erected Benefice shall exceed the value of the Benefice to which such addition shall be made, it shall be lawful for the said Lord Lieutenant and Council, in whole or part of such compensation, to award to the person having the right of appointment or turn in such right of appointment to the Benefice so united in whole or part to such other Benefice, such turn or turns in the right of appointment to such newly-erected Benefice as may appear just, regard being had to the relative value of the several Benefices or parts thereof constituting such newly-erected Benefice, and shall have power and authority for such purpose to regulate the right of appointment to each such newly-erected Benefice, and the course and succession in which the patrons thereof shall present thereto: Provided that if any Benefice shall be united in whole or part to any other Benefice, or the income thereof reduced under the provisions of this Act, the said Lord Lieutenant in Council shall in all cases where the Advowson thereof may belong to the said College of the Holy and Undivided Trinity, and in such other cases as they may in their discretion think proper, where the Advowson thereof may belong to any person except any Ecclesiastical Corporation sole or aggregate, instead of paying any sum of money as aforesaid, direct that some Benefice in the gift of His Majesty, or turn therein, shall be assigned to the said College or person by way of compensation or equivalent, and the Advowson and right of presentation to such Benefice so assigned, or turn therein, shall by force of such order vest in the College or person in like manner to all intents and purposes, and subject to the like uses, trusts and limitations, if any, as the Advowson and right of presentation to the said Benefice so reduced or united in whole or part to another Benefice may have been held for or under.

67.
Application of Money where Owners under Disability.

And be it Enacted, That when any such Advowson or turn of presentation shall belong to any infant, feme covert, lunatic or person under any disability, or when any doubt or difficulty may arise as to the person entitled thereto, the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the money payable for such Advowson or turn, or as a compensation for the reduction of the value thereof to the Accountant-General of the Court of Chancery, who shall receive payment thereof, and the monies paid thereon shall be placed to his credit *ex parte* the person entitled thereto, to the intent that such money shall be applied, under the order and direction of the said Court (to be signified by an order to be made in a summary manner upon a petition to be preferred by the party entitled thereto), to the use of such party, or to be applied upon the same uses, trusts and limitations, and subject to the same powers, conditions, charges and incumbrances as the said Advowson or right of presentation or turn therein was vested in, settled upon, or subject to, or as near thereto as the nature of the case may admit.

68.
Advowsons purchased shall vest in His Majesty.

And be it Enacted, That the Advowson or right of presentation to such Benefices the value of the advowsons whereof or right of presentation whereto or turns wherein shall be so paid by the said Ecclesiastical Commissioners, or in lieu whereof any Benefice in the gift of His Majesty shall have been so assigned as aforesaid shall vest in and be exercised by His Majesty.

69.
Lord Lieutenant, &c. may require Compensation from Patrons of augmented Benefices.

And be it further Enacted, That where the value of any Benefice shall be augmented under the provisions of this Act, and the right of appointment thereto or any turn therein shall belong to any person (other than the King or any Ecclesiastical Corporation, sole or aggregate), it shall be lawful for the said Lord Lieutenant in Council to direct and require the Patron or Patrons of such augmented Benefice to pay to the said Commissioners of Land Revenues such sum of money as he and they may think just in consideration of such augmentation; and in default of payment of such sum of money within Six calendar Months after demand thereof, by notice in writing, shall have been made and served upon such Patron or Patrons, the said sum of money shall be and become a charge or lien on such advowson, or on the inheritance of the same, and be paid and payable to the said Commissioners of Land Revenues, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

70.
Sums payable under the hereinbefore contained provisions, shall be paid by Warrant addressed to Commissioners of Land Revenues.

And be it Enacted, That all such sums of money as shall become payable under the provisions hereinbefore contained, as and for the purchase of advowsons, or as and for compensation to be made to the owners thereof, and all such sums as may become payable to any Incumbent, or his executors or administrators, by whose promotion, removal, resignation or death, any Church may become vacant by the said Ecclesiastical Commissioners, in the place and stead of any Incumbent succeeding thereto, shall be paid by warrant addressed to the said Commissioners of Land Revenues, to be made in like manner and form as hereinbefore provided in respect of the warrants for the payment of the annual incomes payable to Incumbents under the provisions hereinbefore contained: Provided always, That the sums expressed in the warrants issued for the payment of such purchase or compensation money, or for the payment of such sums as may be payable by the said Ecclesiastical Commissioners, instead of the successors in and to any Benefice, shall be paid and payable on demand, immediately after the making and delivery thereof.

71. When a Benefice shall become vacant after passing of this Act, the Glebe House and Lands belonging thereto shall vest in the King for the purposes of this Act.

And be it Enacted, That when and as the Church of each parish or union shall, at any time after the passing of this Act, become vacant, the Glebe-house, Offices, and all and every the lands and hereditaments thereunto annexed or belonging, and the rents, profits and emoluments thereof from the time such Church shall become void, shall be transferred to and vested in His Majesty, His heirs and successors, subject however to all charges, leases, rents and incumbrances now, or at the time of such transfer, legally affecting the same; and shall be, until the First day of November One thousand eight hundred and Forty-three, and afterwards, until Parliament shall otherwise direct, under the management of the said Commissioners of Land Revenues; and the rents, issues and profits thereof shall be applied to the like purposes as the produce of the Rent-charges by this Act granted to His Majesty, but subject, nevertheless, to the provisions hereinafter contained.

72. Commissioners of Land Revenues shall annex such portions of Glebe to any Benefice as order of Lord Lieutenant in Council shall direct.

And be it Enacted, Then when and as it shall be signified to the said Commissioners of Land Revenues, by any such order of the said Lord Lieutenant in Council, as hereinbefore mentioned, that any lands are to be annexed as glebe to any Benefice, the said Commissioners shall assign such portion of the glebe lands, if any, heretofore belonging to such Benefice, as may be specified in such order to the Incumbent thereof, to be annexed to such Benefice as glebe, free from the payment of rent; but if there shall be no such ancient glebe lands belonging to such Benefice, or not a sufficient extent thereof, or that the same shall not be conveniently situated for the enjoyment of the Incumbent thereof, the said Commissioners of Land Revenues shall treat for and purchase such extent of land as may be specified in such order, or so much additional land as may be necessary, so soon as the same can be conveniently obtained, to be assigned to the Incumbent of such Benefice as glebe, free from the payment of rent, and shall, in the mean time, and until such purchase can be effected, assign to such Incumbent, free from the payment of rent, an equivalent portion of the glebe lands vested in them under this Act.

73. Such Commissioners may sell or exchange such Glebe Lands as may not be required for purposes of this Act.

And be it Enacted, That, for the purpose of enabling the said Commissioners of Land Revenues to carry into effect the purposes aforesaid, it shall and may be lawful for them absolutely to sell and convey the fee simple and inheritance of and in any glebe lands which may become vested in His Majesty as aforesaid, or any part thereof, and which shall not be assigned to the Incumbent of any Benefice as glebe, either for the best price that can be obtained for the same or in exchange for lands more conveniently situate, and in case of any such exchange, to accept or take in exchange such other lands in lieu of and in exchange for the lands so conveyed; which lands so purchased or received in exchange, as the case may be, shall be vested in His Majesty, and under the management of the said

Commissioners for like purposes as the glebe lands so vesting in His Majesty under the provisions of this Act; and it shall be lawful for the said Commissioners, in case of any such exchange, to pay or receive such sum of money as shall be mutually agreed upon for equality of exchange; and all such sales and exchanges shall be made under the like regulations as are by law prescribed, in respect of sales and exchanges for lands forming part of the Hereditary Revenues of the Crown, and under the management of such Commissioners.

74.

Commissioners of Land Revenues shall appropriate Glebe House to use of Incumbent, if order of Lord Lieutenant shall so direct.

But if such order shall not so direct, may sell or demise the same.

And be it Enacted, That in case by any such order as aforesaid of the said Lord Lieutenant in Council any glebe house and offices so vesting in His Majesty under the provisions aforesaid shall be appropriated to the use of the Incumbent of any Benefice, the said Commissioners shall assign the same to such Incumbent, to be annexed to such Benefice, as the glebe house and offices thereof, but in case such glebe house and offices shall not be by such order appropriated to such purpose, it shall be lawful for the said Commissioners to demise such glebe house and offices for any terms of lives or years, or lives and years, with a covenant to make void the said demise in case of assigning or sub-letting, and for such rent or fine as they shall think proper.

75.

Assignments of Commissioners of Land Revenues to be by deed.

Such deed to be enrolled in Registry of Diocese.

And be it Enacted, That every assignment of any glebe house and offices or glebe lands to any Benefice which shall take place under the provisions of this Act, shall be made by some deed or instrument under the hands and seals of the said Commissioners of Land Revenues, with such maps or charts annexed thereto as may be necessary; and such deed or instrument shall be enrolled in the registry of the diocese to which such Benefice shall belong, for which entry the sum of Thirteen Shillings and Four-pence, and no more, shall be paid.

76.

Application of Monies arising under this Act.

And be it Enacted, That the annual income arising from the said rent-charges and glebe houses and lands, and all other funds accruing to the said Commissioners of Land Revenues, under the provisions of this Act, shall be applied in the manner following, that is to say, in the first place, in the payment of the costs, charges and expenses attendant on the collection and management thereof, and the other costs and expenses of carrying this Act into execution; and in the second place, in the payment of all such sums of money as shall under the provisions of this Act become payable, by warrant as aforesaid, to persons who would if this Act had not been made have been, or be from time to time entitled to the receipt of Compositions for Tithes, or to Incumbents or Curates to whom incomes or stipends may be assigned under the provisions hereinbefore contained; and in the third place, in the payment of all such sums as may be necessary for the purpose of advowsons, or for the compensation of the owners thereof, or to pay off the charges upon Benefices, or for the purchase of glebes; and the residue of such monies from time to time accruing in each year to the credit of the said Commissioners, shall be paid in such manner as the Lords Commissioners of His Majesty's Treasury shall direct, into the receipt of His Majesty's Exchequer in *Ireland*, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

77.
After Thirty first March next 50,000*l.* shall be charged upon the Consolidated Fund for the Moral and Religious Instruction of the People of Ireland.

AND in consideration of the monies so to be hereafter paid over and carried to and made part of the said Consolidated Fund; BE it Enacted, That from and after the Thirty-first day of March One thousand eight hundred and Thirty-seven, there shall be charged upon the said Consolidated Fund an annual sum of Fifty Thousand Pounds, which shall be issued and paid out of the said Consolidated Fund in such proportions, and at such times in each year, and in such manner as the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall appoint and direct, to such person or persons as the Lord Lieutenant of *Ireland* shall by warrant under his hand from time to time authorize to receive the same, to be applied under such regulations as the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall from time to time appoint and direct, to the moral and religious instruction of all classes of the people in *Ireland*, without distinction of religious persuasion; and that within Fourteen Days after the First day of April in every year, an account of the application and expenditure of the monies issued pursuant to the provisions of this Act for the purposes of moral and religious instruction as aforesaid in the year ending on such First day of April shall be laid before both Houses of Parliament, if Parliament be then sitting; and if Parliament shall not be then sitting, such account shall be laid before both Houses as aforesaid within Fourteen Days after the commencement of the then next Session of Parliament.

78.
CLAUSE (B.)

AND whereas certain sums of Money are now due and owing to the said Ecclesiastical Commissioners by reason of instalments accrued due in the year One thousand eight hundred and Thirty-five, and in the present year on account of monies lent and advanced by the Trustees and Commissioners of First Fruits in *Ireland*, for the purposes of building Mansions or Glebe Houses, and making other improvements, or for the purchase of Houses for the habitation and residence of Incumbents of Benefices and their successors, or for the purchase of Glebes or Demesne Lands for the erection of such Glebe Houses or offices, and which sums were vested in the said Ecclesiastical Commissioners by the hereinbefore recited Act, made in the fourth and fifth year of His Majesty's reign: AND whereas it is expedient to relieve the Incumbents who have been unable to pay such Instalments for the said year One thousand eight hundred and Thirty-five and this present year, from immediate liability thereto, but so nevertheless that such sums shall remain charged upon their respective Benefices and Promotions, and upon the Incumbent's having a succeeding to the profits and emoluments thereof; BE it therefore Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to sue for, recover or receive any Instalment which may have accrued due on the First day of July One thousand eight hundred and Thirty-five, or on the First day of July in this present year, or within Twenty-one days after such respective days, and which may at the passing of this Act be unpaid and in arrear, on account of any monies lent or advanced by the said Trustees or Commissioners of First Fruits, for the purposes aforesaid: Provided that nothing herein contained shall be construed to exonerate the Incumbent of any Benefice or his successors from the re-payment of the sum so lent and advanced, and that such sum, or the residue now remaining unpaid, shall be re-paid by annual instalments of the like amount, as now required by law, the next whereof shall become due on the First day of July One thousand eight hundred and Thirty-seven, or within Twenty-one Days after, and the remaining instalments on the First day of July, or within Twenty-one Days after in each succeeding year, until the whole sum lent and advanced as aforesaid, shall have been repaid; and that such instalments shall be payable by the present Incumbent of each Benefice or his successors, and recoverable by the like means as now provided by law for the recovery of instalments payable in discharge and on account of monies lent and advanced by the said Trustees and Commissioners of First Fruits for the purposes aforesaid, and in all respects according to the like provisions, subject nevertheless to such apportionment or allocation of such charges or payments as may at any time be made by any order of the Lord Lieutenant in Council, made under the provisions hereinbefore contained.

79. Commissioners of Land Revenues and Ecclesiastical Commissioners may examine on Oath or receive Depositions.

And be it Enacted, That it shall be lawful for the said Commissioners of Land Revenues, or for the said Ecclesiastical Commissioners to examine upon oath or affirmation (which oath or affirmation they, or any One or more of them, are and is hereby authorized to administer), any person willing to be examined touching any matters or things relating to any proceeding under this Act, and also to receive any affidavit or deposition in writing, upon oath or affirmation, which shall be made in any part of the United Kingdom of *Great Britain* and *Ireland*, before any person having authority to administer an oath, or before any Justice of the Peace, or which shall be made in any parts beyond the seas before any Magistrate of the county, territory or place having competent power and authority to administer an oath, and certified and transmitted to the said Commissioners, or either of them, under the hand and seal of such Magistrate.

And

80.
Ecclesiastical Commissioners may employ additional Clerks.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may employ such and so many Clerks or other Officers as they may find necessary for the discharge of the duties by this Act imposed upon them, and allow to such Clerks and Officers such Salaries as they shall, with the consent of the Lords Commissioners of the Treasury, fix and appoint; and the said Ecclesiastical Commissioners and the said Commissioners of Land Revenues shall employ for all the purposes of this Act such Solicitor as the said Commissioners of His Majesty's Treasury shall nominate and appoint.

81.
Treasury may advance Money on credit of the Rent-charges granted by this Act, not exceeding the annual Amount thereof.

AND whereas it may be found necessary for the said Commissioners of Land Revenues to borrow a sum or sums of money by way of mortgage or loan on the credit of the produce of the said Rent-charges and the other funds accruing to them under the provisions of this Act; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall so think fit, upon the application of the said Commissioners of Land Revenues, from time to time to issue or advance, or cause to be issued or advanced out of the produce of the Consolidated Fund of the United Kingdom, any sum or sums of money, not exceeding in the whole at any one time the gross annual amount of the Rent-charges and other funds payable to His Majesty under the provisions of this Act, to be applied to the like purposes as such Rent-charges, and to be repaid in such manner and at such times and with such rate of interest as the said Commissioners of His Majesty's Treasury as aforesaid shall determine and direct; and all sums so issued and advanced shall, with the interest from time to time accruing due thereon, be and the same is and are hereby charged upon the produce of the said Rent-charges, and all other funds accruing to the said Commissioners of Land Revenues under this Act; and such Rent-charges and other funds as aforesaid shall be subject and liable to the payment of the sums so issued or advanced, and the interest thereon, in such manner and at such times as the said Commissioners of His Majesty's Treasury shall appoint; and the said Commissioners of Land Revenues are hereby authorized, empowered and required to pay such sums of money and such interest from time to time when and as the same shall become due and payable, pursuant to the order and direction of the said Commissioners of His Majesty's Treasury, from and out of the produce of the said Rent-charges and the other funds vested in or accruing to them under this Act, prior to any other application thereof.

82.
Tithe Compositions Acts shall be taken to extend to His Majesty.

AND whereas doubts have arisen how far the several Acts for establishing Compositions for Tithes in *Ireland* extend to Tithes forming part of the hereditary revenues and possessions of the Crown in *Ireland*; FOR removal of which doubts, be it further Enacted and Declared, That the said Act shall be deemed to extend to The King's

Majesty, His heirs and successors, as if named therein, and that all Compositions for Tithes belonging or which may have belonged to His said Majesty, are and shall be and be deemed to have been good, valid and effectual to all intents and purposes as any Compositions established in lieu of Tithes belonging to any other person.

83.
The provisions of this Act shall extend to His Majesty.

And be it Enacted, That all and every the provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to The King's Majesty, and that Rent-charges shall become payable in lieu thereof, and that such Rent-charges shall be collected and recovered, and in all other respects managed and dealt with according to the provisions of this Act, any thing in any other Act or Acts heretofore passed relative to the Hereditary Possessions and Land Revenues of the Crown in Ireland to the contrary notwithstanding: Provided always, That nothing herein contained shall extend in any respect to alter or repeal the provisions of any such Act or Acts with respect to the application of the annual income arising from such Tithes or Compositions, or the sale thereof, or the application of the monies arising from any such sales, but that such last-mentioned provisions shall extend and apply to the annual income arising from the Rent-charges which will become payable in lieu of such Tithes or Compositions under the provisions of this Act, and to authorize sales thereof, and to direct the application of the monies arising from the sale of such Rent-charges, according to the nature thereof respectively, in like manner as to the annual income arising from such Tithes and the monies arising from sales thereof: And provided further, That nothing in this Act contained shall in any manner prejudice or affect the right of His said Majesty in or to any quit rent or other rent or payment reserved upon or arising out of any grant, or payable on account of any advowsons, rectories, vicarages, or other benefice or preferment, or office spiritual or tithes.

84.
Notices, how to be served.

And be it Enacted, That whenever any notice required to be given by this Act cannot be delivered to the person to whom such notice is directed, it shall be sufficient to leave the same at the last or most usual place of abode of such persons, if such person shall be in *Ireland*, or if such person or persons shall be in any other part of the United Kingdom, or beyond the seas, then to publish the same in the *Dublin* Gazette.

85.
No Stamp Duty to be payable on Instruments required by this Act;

And be it further Enacted, That no memorandum, contract or agreement to be made or entered into under the provisions of this Act, nor any deed, receipt, or other instrument or counterpart thereof made, nor any receipt, order, copy, document or other matter or thing relating to any proceeding or payment under this Act, nor any appointment, obligation or bond authorized or required by this Act, shall be subject or liable to any Stamp Duty whatsoever imposed by any Act or Acts now in force or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

86. nor Office Fees.

And be it Enacted, That no Search nor Certificate thereof, or any other proceeding in any court or office, nor any payment nor investment which may be directed or sanctioned by any court or otherwise for the purposes of this Act, shall be subject to any charge for any law or equity fund, nor to any Usher's poundage nor fee imposed by any Act now in force or by any future Act, unless the same be specially mentioned and subjected thereto by this or some future Act.

87. Punishment for Forgery.

And be it Enacted, That if any person shall knowingly and wilfully forge or counterfeit, or act or assist in forging or counterfeiting, the name or handwriting of the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury for the time being, or of the said Ecclesiastical Commissioners or Commissioners of Land Revenues, or of any or either of them, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any money in the hands or custody of the Governor and Company of the Bank of *Ireland*, or of any private banker, on account of the said Commissioners, with intent to defraud any Corporation or person whatsoever, or shall forge and counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument or writing in form of or purporting to be a draft, made by the said Commissioners or any of them, or shall utter and publish any such, knowing the same to be forged or counterfeited, with an intent to defraud the said Commissioners of Land Revenues or the Governor and Company of the Bank of *Ireland*, or any Body Corporate or any person or persons whomsoever, every person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared to be guilty of felony, and shall be liable to be transported for the term of his or their life.

88. Perjury.

And be it further Enacted, That if any person who shall make or take any oath, affirmation or affidavit under or in pursuance of the provisions of this Act shall therein wilfully or knowingly swear, affirm or answer falsely to any matter or thing, every such person, being duly convicted thereof, shall incur and suffer such penalties, pains and disabilities as persons convicted of wilful and corrupt perjury are by law liable to.

89. Limitation of Actions.

And be it further Enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, such action or suit shall be commenced within Six calendar Months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant in every such action or suit may plead the General Issue, and give this Act and the special matters in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall he nonsuited, or discontinue his or their action or suit, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, each defendant shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

90. Interpretation of Words used in this Act.

And be it Enacted, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the words "Lord Lieutenant of *Ireland*" shall extend to any Lords Justices or other Chief Governor or Governors of *Ireland*, and the words "Commissioners of Land Revenues" shall be construed to mean the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and the word "Land" shall extend to manors, messuages and other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold or of any other tenure; and the word "Appointment" shall be construed to mean institution, collation, presentation, election, donation, nomination, license or induction; and the word "appointed" shall be construed to mean instituted, collated, presented, elected, nominated, licensed or inducted; and the words "Persons entitled to Compositions for Tithes," or to any "Composition," shall be construed to extend to and include all ecclesiastical persons and bodies corporate, sole or aggregate, lay or ecclesiastical, or collegiate, and all incumbents of parishes, whether Rectors, Vicars or Curates, and all Impropriators and Appropriators, and all persons whomsoever, being the owners of or entitled or interested in any manner whatsoever, at law or in equity, whether in their own right or by virtue of any order or process of any Court, as trustees, devisees, personal representatives, lessees, sequestrators, receivers or otherwise, to any Tithes, or portion or portions of Tithes, or Composition established in lieu of Tithes, or portion or portions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any lease or agreement; and the word "Person" shall extend to and comprise all and every bodies politic and corporate, sole and aggregate, lay and ecclesiastical, and collegiate; and the words "Compositions for Tithes" shall extend and be applied to any portion or portions of a Composition, and to any Tithes or portion of Tithes, and to any part of a yearly payment thereof, as well as to a Composition; and the word "County" shall extend and be applied to any riding, county of a city or county of a town, or city and county, as well as a county at large; and the word "Parish" shall extend and be applied to any part of a parish forming a distinct benefice, and to extra-parochial place or places separately chargeable with any Composition for Tithes, as well as to a parish; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

91. Act may be amended this Session.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

Church of Ireland.

A

BILL

[AS AMENDED ON THE REPORT.]

For the better Regulation of Ecclesiastical Revenues, and the Promotion of Religious and Moral Instruction in *Ireland.*

(*Prepared and brought in by*

Lord Viscount Morpeth, Lord John Russell, Lord Viscount Palmerston, Mr. Chancellor of the Exchequer, Sir John Hobhouse, Mr. Poulett Thomson, Lord Viscount Howick, and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed*
11 *July* 1836.

[*Price* 6 *d.*]

432.

28 *July* 1836.—7 WILL. IV.

(Ireland.)

A

BILL,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for the better Regulation of Ecclesiastical Revenues, (1) in Ireland.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]

[*N.B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

1 WHEREAS with a view of rendering the Incomes arising from Tithes more certain in amount and more easy of collection, several Acts have been from time to time passed for the establishment of Compositions for Tithes throughout Ireland; but the interposition of Parliament is further necessary in reference to various circumstances peculiar to that part of the United Kingdom: (2) And whereas (3) it is (4) expedient to make provision for uniting Preamble.

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(1) and the Promotion of Religious and Moral Instruction,

(2) And whereas His Majesty has been pleased to issue a Commission, bearing date the Fifth day of August in the fifth year of His Majesty's reign, authorizing and directing the persons therein named to inquire whether adequate provision is now made for the religious instruction and for the general education of the people of Ireland: And whereas it appears by the First Report of the Commissioners named in such Commission, that in some Benefices there 2 are no members of the Established Church, and in other Benefices few such members:

(3) it appears by Returns laid before Parliament, that in many instances the Income of Benefices is greatly disproportioned to the extent of ecclesiastical duty required of the Incumbents; and

(4) therefore

uniting and dividing Benefices, and for altering the Boundaries and regulating the Incomes thereof, with a view to a better distribution of Ecclesiastical Duties and Revenues: And whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, (1) that the said Compositions for Tithes shall be made payable by persons having a perpetual estate or interest in the Lands subject thereto, a reasonable deduction 3
being made upon the amount thereof in consideration of the greater facility and security of collection arising out of such transfer of the liability to the payment thereof from the occupying Tenantry to the Owners of such Estates or Interests; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the right of all persons in and to all Tithes or Compositions for Tithes at any time hereafter to accrue due in Ireland shall wholly cease and determine.

I.
Compositions for Tithes abolished.

II.
All Sums payable by Instalment under 3 & 4 Will. 4, c. 100, remitted; and any Money heretofore paid thereunder to be refunded.

And be it Enacted, That so much of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled, 'An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions 4
permanent,'" as makes any person entitled to the receipt of any Composition for Tithes liable as such to the King's Majesty for the repayment by certain instalments of any advances made under authority of the said Act; and also so much of the said Act as provides for the addition of certain sums to the Compositions for Tithes payable out of Lands in Ireland, and for the payment thereof, together with and in addition to the said Compositions; and also all provisions in the said Act contained in any way relating to the recovery of such instalments and sums, or enabling any person liable to the payment of such Compositions to recover against any person any sum whatsoever on account of such liability, shall be and the same is and are hereby Repealed: Provided further, That the Lords Commissioners of His Majesty's Treasury shall, by warrant under their hands, direct all such sums as may have arisen to the credit of the Teller of His Majesty's

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(1) that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus revenue shall be applied to the moral and religious education of the people, without distinction of religious persuasion; and also

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5 Majesty's Exchequer in Ireland, on account of the instalments hereto-
fore accrued due under the provisions of the said last-mentioned Act,
to be, in such manner as they may think fit, repaid out of any monies
in the said Exchequer to the persons by or from whom any such
instalments may have been paid or recovered; and that any person
entitled to the receipt of any Composition for Tithes, who may have
received or recovered any sum added thereto by such Act, shall
repay the amount of such addition to the person by or against
whom payment of the sum so added to the said Composition may
have been made or enforced; and in like manner any person liable
to the payment of the said Composition for Tithes, who may have
received or recovered any sum whatsoever in right of such liability,
shall repay the same to the person by or against whom payment of
such sum may have been made or enforced, and in default of such
repayment it shall be lawful for the persons entitled thereto under
this Act to recover the amount by Action of Debt or on the case,
or, if not exceeding Fifty Pounds, by Civil Bill in the Court of
6 the Assistant Barrister for the county in which the Defendant may
reside, or in the Court of the Chairman of the Sessions of the
Peace for the county of Dublin when the Defendant may be resi-
dent in such county: Provided always, That no proceeding taken or
thing heretofore done under the provisions of the said Act hereby
repealed shall be deemed, notwithstanding the repeal thereof, to
have been unlawful.

III.
All Lands subject to the payment of Tithe Compositions, charged with an annual Sum by way of Rent-charge, equal to Seventenths of such Compositions, to be payable by the party having the first estate of inheritance, &c. in such Lands.

And be it Enacted, That every parcel of Land charged with or
in respect whereof the said Tithe Compositions or any Applotment
or Assessment thereof would have been payable if this Act had
not been made, shall be and become severally liable to and
charged with the payment of an annual Sum or Rent-charge equal
to (¹) *Three-fourths* of the annual amount of such Tithe Compositions,
and that such Rent-charges shall be payable by the party having in
such Lands respectively the first estate of inheritance, or other
estate or interest equivalent to a perpetual estate or interest, as here-
inafter defined, under which or derived wherefrom there shall be no
such perpetual estate or interest, according to the quantity of such
7 Lands comprised in each such estate or interest; and that the first
payment of such Rent-charges shall become due on the First day of
December in this present year, and the subsequent payments thereof
on the First day of November in each succeeding year: Provided,
That although such Tithe Compositions may have been separately
applotted or assessed upon different portions of such Lands, the
Lands comprised in each such estate or interest shall be charged
with the annual payment as aforesaid of one entire Sum or Rent-
charge, equal to (²) *Three-fourths* of the gross annual amount of such
several

(¹) Seven-tenths

(²) Seven-tenths

several Applotments or Assessments: And provided further, That the amount of such Rent-charges shall be computed on the gross amount of such Tithe Compositions as stated in the certificates thereof respectively, without regard to any deduction of Fifteen Pounds per centum to which any person who may have undertaken the payment of such Tithe Compositions would have been entitled under the provisions of the hereinbefore recited Act of the second and third years of His present Majesty's reign.

IV.
What shall be deemed equivalent to an Estate of Inheritance or perpetual Estate.

And be it Enacted, That any estate or interest held under any 8
deed or instrument containing any provision, contract or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years whereof at least One hundred shall be to come and unexpired on the Thirtieth day of November One thousand eight hundred and Thirty-six, and any estate held by lease or demise immediately from and under any Archbishop, Bishop or other ecclesiastical person, in any Lands belonging to the See or other spiritual promotion or dignity of such Archbishop, Bishop or other ecclesiastical person, or under the Ecclesiastical Commissioners for Ireland, being parcel of the Lands vested or which may become vested in them under the provisions of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," shall be deemed and taken to be, for all purposes relating to the said Rent-charges, equivalent to a perpetual estate or interest; and that each tenant in dower or tenant by 9
curtesy, and each person having under the limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise any estate for life or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be during such his interest liable to the payment of such Rent-charge as fully to all intents and purposes as if he were seised of or entitled to the whole estate in such inheritance or perpetual interest.

3 & 4 W. 4, c. 37.

V.
If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

Provided, and be it Enacted, That where by the laws now in force in Ireland any person shall be entitled to hold and occupy under any Lease or Demise the Lands thereby demised free from the payment of Tithes or Composition of Tithes, he shall not be liable to the payment of the said Rent-charge, but the party having in such Lands the first estate of inheritance or other equivalent estate or interest as before described, expectant or in reversion, and who would not be entitled to a like exemption under the laws aforesaid, shall be liable to such payment: And provided further, That in case 10
of the forfeiture, surrender, or other determination of any estate or interest, the owner whereof may be liable to the payment of such

On determination of any Estate chargeable with Rent-charge, Rent-charge as aforesaid, the party having the first estate of inheritance or other equivalent estate or interest as before described, in remainder or reversion, shall become liable to the said payment of such Rent-charge: And provided further, That in case of any such devolution of interest, no more than the amount of One Year's arrear of Rent-charge shall be a charge on the Lands subject to the payment of such annual Rent-charge.

the next Estate shall become chargeable.

VI.

If any Person who would have been liable to Tithe Composition, hold mediately or immediately under the Person liable to such Rent-charge, the amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

And be it Enacted, That whenever any person who would have been liable to the payment of any Composition for Tithes if this Act had not been made, shall hold the Lands in respect whereof such Composition for Tithes would have been so payable as tenant or sub-tenant under the person liable to the payment of such Rent-charge as aforesaid, then and in such case an annual sum equal to the amount of such Rent-charge shall be payable to the person so liable to the payment of such Rent-charge by the next immediate Lessee holding under him, such sum to become first due on the First day of December One thousand eight hundred and Thirty-six, and to be then payable by One entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times, and by such quarterly or half-yearly or yearly payments, as the rent due and payable by such Lessee may be reserved and made payable, and together therewith, in like manner to all intents and purposes as if such sum had been mentioned in the same Lease, Instrument or Demise, and expressly reserved and made payable thereby; and the person liable to such Rent-charge as aforesaid shall have such and the like remedies to enforce payment of such sum by distress, ejectment or re-entry, or by action of debt, covenant, or otherwise, as he may have to enforce payment of the rent reserved by such Lease, Instrument or Demise; and the said next immediate Lessee, in case he himself would not have been liable to the payment of such Tithe Compositions as aforesaid, shall be in like manner, and by all such and the like remedies, entitled to receive and recover of and from his immediate Sub-Lessee such annual sum from time to time accruing due and payable, and so on each Lessee recovering from his Sub-Lessee downwards to the person who would have been primarily liable to the payment of such Tithe Compositions if this Act had not been made: Provided always, That in the case of the Land being divided among several Lessees or Sub-Lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the Land which such Lessee or Sub-Lessee, or any other person with him jointly, may hold: And provided further, That where any person would have been liable, under the provisions of any law now in force in Ireland, to make payment of any Composition to any Landlord or

person entitled to the receipt of the same by virtue of any such Certificate of Agreement as is mentioned in the hereinbefore recited
Act of the second and third year of His present Majesty's reign, 13
such person liable to make payment of such Composition to the person entitled thereto by virtue of such Certificate shall be deemed to be within the meaning of this Act the person primarily liable thereto; and where the Lessee or Occupier of any Lands may be entitled to deduct out of the rent payable by him to his Landlord the amount of any Composition, such Landlord shall be deemed to be within the meaning of this Act the person primarily liable thereto.

VII.
Such Leases, &c of Tithes, as have now the effect of suspending Compositions, shall determine, and none other.

And be it Enacted, That in any case where the effect of any Composition may be by any law now in force suspended in consequence of any Lease of Tithes, or Agreement in writing respecting the same, every such Lease or Agreement having such effect as aforesaid, but none other, shall from and after the passing of this Act wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the
Lands which would, if this Act had not been made, have upon the 14
termination of such Lease or Agreement become subject to the payment of any Composition for Tithes shall be and become severally charged with an annual Sum or Rent-charge equal to (1) *Three-fourths* of the amount of such Composition, and an annual sum equal in amount to such Rent-charge shall become payable to the persons from time to time liable to the payment of such Rent-charge, and to their Lessees and Sub-Lessees, in like manner as hereinbefore provided in cases where the effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, That if it shall appear to the Commissioners of Land Revenues that any payment on account of this present year shall, previous to the passing of this Act, have accrued due by virtue of or under such Lease or Agreement, the amount thereof shall be deducted from the Rent-charge accruing due on the First day of December in this present year, and the residue only shall be then payable.

VIII.
Where Leases at Rack-rent have been made, after the establishment of any Composition in pursuance of 4 Geo. 4, c. 99, the Rents shall be reduced in proportion to the difference between such Composition and the Rent-charge payable under this Act.

AND whereas by an Act passed in the fourth year of the reign 15
of his late Majesty King George the Fourth, intituled, "An Act to provide for the Establishment of Compositions for Tithes in Ireland for a limited time," it was enacted, that whenever, under the provisions of that Act, any Compositions should be made for Tithes payable in any parish, every person who should afterwards set, let or demise any Land lying within such parish at a rack-rent should make such Lease or demise free from the payment of Tithes during the continuance of such Composition; and that in such case it should be lawful for the Lessee or Occupier of such Land, and

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(1) Seven-tenths

every such Lessee or Occupier was thereby required to pay the amount of such Composition to the person entitled to such Composition; and that it should be lawful for such Lessee or Occupier of such Land to deduct the amount of all such payments from time to time out of the amount of rent payable by such Lessee or Occupier of such Land to his immediate Landlord; and it was further enacted by the said recited Act, that in case such Composition should cease and determine at any time during the continuance of such Lease, the rent reserved in such Lease should be reduced in amount by a sum equal to the amount of such Composition: And whereas in all such cases of Land set, let or demised at a rack-rent in any parish in Ireland at any time after the establishment of such Composition for Tithes therein, the amount of such Composition has by reason of the said recited enactments been added to and made payable together with and as part of the rent: And whereas a certain reduction is to be made by this Act in the amount of each such Composition, in converting the same into a Rent-charge; and it is just and reasonable that the persons who under the provisions of the said recited Act have been made subject to the payment of rents, in which the amount of such Compositions have been included, should have the benefit of the reduction so to be made in the amount of the Rent-charges payable in lieu of such Compositions; BE it therefore Enacted, That in all such cases of Leases made at a rack-rent, at any time after the establishment of a Composition for Tithes in any parish of Lands subject to the payment of such Composition, the rent or rents reserved upon and made payable in and by such Leases shall be reduced by a sum equal to the difference between the amount of the Composition heretofore payable in respect of such Lands and the amount of the Rent-charges which will under the provisions of this Act become payable in lieu thereof, and that the party liable to the payment of such reserved rent shall be entitled to deduct the amount of such difference accordingly.

IX.
Rent-charges to be under the management of Commissioners of Land Revenues.

And be it Enacted, That the said Rent-charges shall be (1) payable to His Majesty for the purposes hereinafter mentioned, and shall, until (2) *provision shall be made by Parliament for the redemption thereof, or* until Parliament shall otherwise direct, be under the management of the Commissioners of Land Revenues, subject nevertheless to the control of the Commissioners of His Majesty's

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(1) vested in and

(2) the First day of November in the year One thousand eight hundred and Forty-three, and afterwards,

Treasury, and shall be collected and paid into the Bank of Ireland by such receivers or other persons as shall be appointed by the said Commissioners of Land Revenues for that purpose, in the same manner as the Land Revenues and Rents of the Crown in Ireland; and that the said Commissioners of Land Revenues, receivers and other persons authorized by them shall have the same powers, immunities, exemptions and remedies (except so far as hereinafter otherwise provided), and give the same or the like security with respect to the same Rent-charges, for the collection and recovery thereof, and such receivers and other persons, and their respective sureties, shall be accountable in the like manner and to the like extent, and discharged in the like manner, as if the said Rent-charges were parcel of the Rents of the Crown in Ireland, and as if 19 such Rent-charges had been included in the several provisions of the Acts now in force for the collection, receipt and payment of the Land Revenues and Rents of the Crown in Ireland: Provided always, That no such Rent-charge shall be merged or extinguished by reason of the whole or any part of the Land charged therewith being now or at any time hereafter vested in His Majesty: And provided also, That accounts of the receipts and payments of the said Commissioners of Land Revenues under or occasioned by this Act shall be kept distinct from their other accounts, and that the said Commissioners shall keep a separate account or separate accounts with the Bank of Ireland, to which all monies and securities arising from or in respect of the said (1) *Rent-charges* shall be paid; and that separate reports of the proceedings of the said Commissioners under this Act shall be laid before His Majesty and the two Houses of Parliament 20 in the same manner and at the same times as is by law required respecting the Land Revenues of the Crown.

X. Commissioners of Land Revenues, with consent of Treasury, may make Regulations for collection, &c. of Rent-charges.

Provided always, and be it Enacted, That it shall be lawful for the Commissioners of Land Revenues, or any Two of them, with the consent of the Commissioners of His Majesty's Treasury, to make such new or other general or special orders and regulations respecting such collection, receipt and payment, and the duties of the persons who shall be employed in the collection and receipt of the same Rent-charges, and the securities to be given by such persons and their sureties, and for the payment of the monies arising in respect of the said Rent-charges into the said Bank of Ireland, as to the said Commissioners of Land Revenues, or any Two of them, shal appear expedient for the purposes of this Act, *and shall not be inconsistent with the provisions of this Act*, and that all such orders, regu-

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(1) Rent-charge

lations and directions shall have the same force as if the same were
hereby enacted; and that all such orders, regulations and directions
21 for the time being in force at the commencement of each Session of
Parliament, and which shall not have been previously submitted to
Parliament, shall from time to time, within One Week after the
commencement of every such Session, be laid before both Houses of
Parliament.

XI.
Compositions for Tithes may be revised on application to the Commissioners of Land Revenues.

AND whereas, *in cases where the said Compositions for Tithes*
have been established by a sole Commissioner appointed by the Lord
Lieutenant, in pursuance of an Act passed in the second and third
years of the reign of His present Majesty, intituled, "An Act to
amend three Acts passed respectively in the fourth, fifth and in the
seventh and eighth years of the reign of his late Majesty King George
the Fourth, providing for the establishing of Compositions for Tithes
in Ireland, and to make such Compositions permanent," it is just and
expedient, with a view to a final and satisfactory settlement of the
amount of the said Compositions for Tithes and the Rent-charges pay-
able in lieu thereof, that (1) *appeals should be allowed within a limited*
time against the Certificates of such Compositions, where the amount
thereof may have been unduly affected by fraud or concealment; BE
it therefore Enacted, That it shall and may be lawful for any person
or persons in any parish, who would have been, in case this Act had
not been made, individually or collectively, liable to the payment of
more than One-half of the amount of the whole Composition esta-
blished in and for such parish, whether the several sums payable by
him or them respectively shall be or may have been payable to any
party entitled to the receipt of any Composition, or to any landlord
who may have taken upon him the payment of such Composition,
22 at any time within Six Weeks after the passing of this Act, to (2)
appeal to the Lord Lieutenant in Council on behalf of such parish (3)
against the Certificate of such Composition in like manner as by the said
Act of the second and third years of the reign of His said present
Majesty, and the Acts therein recited, an appeal might have been made
by direction of the Vestry of the parish within the time thereby limited,
and the grounds of such appeal shall be stated in writing, and signed
by such person or persons, and lodged with the Clerk of the Privy
Council within the said Six Weeks; and in like manner it shall be
lawful for any person who would have been, in case this Act
had

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(1) the calculations on which such Compositions have been established should be subjected to revision where a proper primâ facie case for revision may be made out;

(2) apply to the said Commissioners of Land Revenues

(3) for a revision of the Composition established therein;

had not been made, entitled to any Composition for Tithes (¹) within the said period of Six Weeks to (²) *appeal to the said Lord Lieutenant in Council against such Certificate, in like manner as by the said last-mentioned Acts such Appeals might have been made within the time thereby limited;* and notice of every such (³) *Appeal* shall be posted on the Church Door or the usual place of posting Grand Jury Notices, and Once inserted, by or on behalf of the (⁴) *appellant* party, in some Newspaper circulating within such parish within Ten Days next after such (⁵) *Appeal shall have been lodged with the Clerk of the Privy Council:* Provided, That where the effect of any Composition may have been suspended previous to the passing of this Act by virtue of any Lease or Agreement in writing, the owners and occupiers of any Lands upon which collectively a sum exceeding One-half of the amount of such Composition may have been applotted shall be 23
deemed and taken to be qualified within the meaning of this Act to make such (⁶) *Appeal.*

XII.
Grounds on which applications for Revision may be founded, shall be submitted to the

And be it Enacted, That every such (⁷) *Appeal shall be heard and determined, and an order made thereupon for confirming or for decreasing or increasing or modifying the amount of such Composition, in*

(¹) to apply
(²) the said Commissioners for the revision of such Composition;
(³) application (⁴) applicant
(⁵) application shall be made; (⁶) application.

(⁷) application shall be accompanied by a statement and specification in writing of the particulars, grounds and reasons for making the same; and the material allegations of every such statement shall be verified by some one or more credible person or persons, according to the best of their knowledge and belief, on oath, before One or more of the Justices of the Peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by such statement so verified the said Commissioners of Land Revenues shall find that the amount of such Composition exceeds by more than One-fifth the actual amount of the average of the sums really and truly paid, or really and truly agreed to be paid, or really and truly due and ad- 24
judged to be paid, during the Seven Years on the average of which such Composition was calculated, or shall find that any sum was added to the actual amount of the average of such true and real sums without just and sufficient grounds and reasons for such addition, or shall find that any

Commissioners of Land Revenues for their consideration, and if found sufficient, such Revision shall be allowed.

in like manner as is provided by the said last-mentioned Act with respect to Appeals thereby authorized to be made against such Certificates; and all the Enactments and Provisions contained in the same Act relating to the Appeals thereby authorized to be made against such Certificates and the costs thereof, shall extend and be applied to the Appeals authorized by this Act, and the costs thereof, except so far as the same are repugnant to the provisions of this Act: Provided always, That no order shall be made on any such Appeal otherwise than for confirming the Composition stated in the Certificate, unless it shall be proved that some fraud, concealment, misrepresentation or circumvention was practised (1) *by or on the part of some party interested in* such Composition, whereby the (2) *Commissioner may have been deceived, or whereby the knowledge of any fact or facts which was or were essential to enable the Commissioner to make a just decision was withheld from him, and* whereby the amount of such Composition was unduly affected: (3) Provided (4) *also,* That when an Appeal from any Certificate of Composition has before the passing of this Act been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, (5) *no further Appeal relating thereto shall be made by virtue of this Act.*

(6)

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(1) upon the entering into

(2) amount of such Composition was unduly affected, or shall find that such Composition was made upon ex parte evidence,

(3) then and in every such case the said Commissioners shall transmit the statement accompanying each such application to the Lord Lieutenant of Ireland, together with a copy of the Certificate of such Composition to which such statement refers, and a Certificate under their hands that such Composition is proper to be revised, specifying the ground and matter of revision, and the said Lord Lieutenant shall cause the same to be revised accordingly in manner hereinafter mentioned:

(4) always,

(5) it shall be at the discretion of the Lord Lieutenant to cause such Composition to be revised or not, as he shall deem just.

13. Barristers to be appointed for the purpose of such Revision.

(6) And be it Enacted, That the said Lord Lieutenant shall by Warrant under his hand appoint, for the duty of revising all such Compositions as shall be so certified to need revision, so many Barristers as he or they may think necessary, of not less than Six Years standing at the Irish Bar, and shall refer each such Composition for revision, together with the statement and certificate of such Composition so transmitted to him by the said Commissioners of Land Revenues, to any Three or more of such Barristers, and shall appoint the time and place or times and places at which they shall proceed

with such revision; and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such Three or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that however not less than Three such Barristers shall be authorized to proceed with the revision of any such Composition. 26

14.
Rules to be observed in the Revision of Compositions under this Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public notice of the several times and places at which, pursuant to such order and direction, they will hold Courts for such purpose, as well by advertisement to be inserted at least Ten Days previous to each such time in some Newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury Presentments at Special Sessions for the division or district in which each such parish may be situate; and at the time and places so notified such Barristers shall in open Court proceed to revise each such Composition, and shall, in the first place, 27 inquire into and ascertain the manner in which each such Composition may have been calculated, and require the party who may have applied for such revision to sustain his or their objections thereto, and to produce evidence in support thereof; and such Barristers, having heard all such objections and evidence relating to such objections as shall be offered or made by or in behalf of any party entitled or who may have been entitled to such Composition, or by or in behalf of any Owner or Occupier of Land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, or in respect of any of the matters set forth in the statement or specification made to the Commissioners of Land Revenues as before mentioned, and shall make such Order for confirming, increasing or decreasing the amount of each such Composition as they shall think just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on 28 account of Tithes in any such parish shall not have varied above One fifth part of the average annual amount of the whole during the series of Seven Years with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such Seven Years, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value or that more was due: And provided further, That where any sum shall have been included in computing the amount of any such Composition on the evidence of

any promissory note, or other instrument or agreement, or of any
adjudication made by any Ecclesiastical or other Court or Justices,
in default of the appearance of the party against whom such adju-
dication may have been made, the said Barristers shall receive
evidence, if offered, that the real value of the Tithes in respect
whereof such promissory note, instrument or agreement or adju-
29 dication may have been made was less than the amount thereof,
and in all cases where such lesser value shall be proved, shall, after
hearing evidence in support of such Composition, correct accordingly
the amount of such Composition: And provided further, That when
any sums shall have been added to the average amount of the Tithe
paid or agreed or adjudged to be paid during any such series of
years as aforesaid, the said Barristers shall examine into the suffi-
ciency of the grounds and reasons upon which such addition has been
made, as set forth in the statement subjoined to the certificate of such
Composition, and shall allow or disallow the same, and deduct or
reduce or increase the sum so added, as to them shall seem just:
And provided further, That where the Tithes of any Land, not having
been actually paid or adjudged to be paid during the series of years
with reference whereto any Composition may have been calculated,
such Tithes have been estimated or calculated according to the pay-
ments made for Tithes of the like kind in the same or any adjoining
parish, or according to such information as may have been obtained,
the said Barristers shall inquire into the facts and the accuracy of
such information, and the fairness of any such estimate, and amend
or confirm the calculation of such Composition accordingly: And
provided further, That where the amount of any Composition shall
have been fixed by agreements, such amount not having been
ascertained by any Commissioner or Commissioners, or Umpire,
under the provisions of the said recited Acts, and that it shall appear
that either of the parties thereto entered into such agreement in
ignorance of any facts the knowledge whereof was material to
making an equitable arrangement between them, or under any con-
cealment or misrepresentation of such facts, and that such agree-
ment was unjust, the said Barristers shall inquire into and ascertain
and fix the just amount of Composition which ought to be established
31 in lieu of the sum so fixed by agreement: And provided further, That
where in the calculation of any such Composition it shall appear to
the said Barristers that any sum has been included on account of the
Tithes of any Land which they shall deem to have been Tithe-free,
the said Barristers shall exclude such sums in calculating the amount
of such Composition; and if such Barristers shall entertain any
doubt or difficulty in determining the exemption of any such Land
from Tithe, it shall be lawful for the Courts of Chancery and Exche-
quer in Ireland, upon the Petition of the said Barristers, showing the

facts of the case (which said Barristers are hereby required to ascertain and state according to the best information they can procure), either to make an Order allowing or disallowing such claim of exemption, or referring the matter to any Master or to the Chief or Second Remembrancer, with liberty for the parties interested in the determination of such matter to attend him, and with such other directions as the Court shall deem proper, or to direct such feigned 32 issue or other proceeding as the Court in its discretion may deem proper for ascertaining the exemption or non-exemption of such Lands; and in case of any such application to either of the said Courts the said Barristers shall proceed with the revision of such Composition and fix the amount thereof without reference to such claim of exemption; provided that if the matter be determined in favour of the party claiming such exemption, such Court shall direct the said Commissioners of Land Revenues to reduce the amount of Rent-charge payable in lieu of such Composition, and amend the rental of such Rent-charges accordingly; and the costs of such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced against any of the parties interested in such matter who may appear to litigate the same by attachment or otherwise, as such Court may direct. 33

15.
Composition may be reduced or increased by Agreement between the Land Owners and Tithe Owner.

Provided always, and be it Enacted, That if any party or parties entitled, or who would have been entitled in case this Act had not been made, to any Composition for Tithes established in any parish, shall, with the consent of the Patron, testified by some instrument under the hand of such Patron, offer to reduce or increase the amount of any such Composition, and shall signify such offer in writing, stating the amount of the sum or several sums so proposed to be substituted for the amount of such Composition, and if such offer shall be assented to and accepted in writing by a majority in value of the persons who, if this Act had not been made, would have been liable to the payment of the Composition established in such parish, or if any Composition for Tithes in any parish has been, by any agreement between the parties interested, or any award in writing, or other written document, reduced or increased, or agreed to be reduced or increased, the sum or sums so agreed upon or awarded shall be binding on the said Commissioners of Land Reve- 34 nues and the said Barristers, and shall be fixed as the amount of such Composition, and the certificate thereof amended accordingly.

16.
Barristers revising Compositions shall make order for payment of the Expenses by such Party

And be it Enacted, That the said Barrister shall adjudge the expenses of each revision to be paid by the party or parties entitled, or who would have been, if this Act had not been made, entitled to such Composition, and by the owners or occupiers of Land subject to such

XIII.
Barristers shall transmit their Award to the Lord Lieutenant, to be laid before the Commissioners of Land Revenues, who shall amend Rentals of Rent-charges and Applotments accordingly.

And be it Enacted, That (¹) *when upon any such Appeal an Order shall be made for decreasing or increasing or modifying the amount of any Composition, the Certificate thereof and the entry of such Certificate in the Registry of the Diocese shall be altered and amended accordingly in such manner as shall be directed by the Lord Lieutenant in Council, and the Lord Lieutenant shall cause a* Copy of the Certificate (²) *so altered and amended* to be delivered to the said Commissioners of Land Revenues; and such Commissioners shall cause the Certificate and Applotment of such Composition, and the Rental of the Rent-charges payable in lieu thereof, to be amended, (³) according to such Order; and such Amendment shall take effect from and after the First day of November (⁴) *next after the date of such Order*, but shall be without prejudice to any arrears of Composition theretofore due and recoverable under the provisions of this Act.

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as they shall think fit, subject to certain rules.

such Composition or the Rent-charges payable in lieu thereof, in such proportions as to such Barristers shall seem just: Provided always, That if upon such revision such Composition shall not be reduced One-seventh part of the whole; and if such revision shall have taken place upon the application of such owners or occupiers of Land, the whole of such expenses shall be paid by them; and that if such Composition shall not be increased One-seventh part of the whole, and if the revision thereof shall have taken place upon the application of any party entitled, or would have been entitled, if this Act had
35 not been made, to such Composition, the whole of such expenses shall be paid by such party: And provided further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either of the parties to such revision to the other of such parties in cases where, in the discretion of such Barristers, such payment may be proper and just; and payment thereof may be enforced by Action of Debt or on the case, or by Civil Bill in the Court of the Assistant Barrister; and the production of an order attested under the hands of any Two such Barristers shall be sufficient evidence of the liability of the Defendant to pay the sum therein expressed to the Plaintiff suing for the same.

(¹) such Barristers, having made such order and adjudication as aforesaid, shall transmit the same, attested under their hands or the hands of any Two of them, together with the

(²) of the Composition to which the same may relate, to the said
36 Lord Lieutenant, who shall cause the same

(³) if necessary, (⁴) now last past,

18.
Lord Lieutenant may order Ad-

(⁵) And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such sum or sums vances from the Consolidated Fund to defray the Expenses incurred in Revision of Composition.

of money as he or they may think necessary shall from time to time be advanced out of the produce of the Consolidated Fund arising in Ireland, for defraying the expenses to be incurred in the revision of such Compositions as aforesaid under the provisions of this Act, not exceeding the sum of Two hundred Pounds with respect to any one parish; and that all such advances shall be made to such persons, at such times, in such manner and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the Chief Secretary, or in his absence by the Under Secretary.

19.
Barristers may compel attendance of Witnesses.

And be it Enacted, That the said Barristers holding any such Court shall have power to adjourn the same, and the revision of each such Composition, from time to time and from place to place as they may think proper, subject to the orders and directions of the said Lord Lieutenant; and, for the purpose of revising such Compositions as aforesaid, such Barristers shall have and they are hereby invested with all and every the powers and authorities which it is, by the said Acts in force in Ireland for establishing Compositions for Tithes, provided that any Commissioner or Commissioners acting thereunder may use and exercise, for ascertaining and fixing the amount of any Composition to be established under the provisions of the said Acts; and the said Barristers shall have power and authority to call before them, by a summons in writing under the hands of any Two of them, and to examine the respective Commissioner or Commissioners or Umpire by whom each Composition may have been established, or any other person, whether interested or not interested in the matter of such revision, whom they judge fit and necessary to examine touching the matter of such revision; and they shall also have authority to require such Commissioners or Umpire, or any other person having in his or their possession or power any books, papers, writings, accounts or other documents material to the calculation of such Composition, or to the revision thereof, to produce the same; and the said Barristers shall have power and authority to administer an oath or affirmation to any person who may be so summoned, or to any witness who may be tendered, and all such persons so summoned before such Commissioners are hereby required to give evidence and information accordingly; and if any person so summoned, whether personally or by notice left at his usual residence, shall not attend pursuant to such summons, or shall decline or refuse to give evidence, or shall refuse to produce any books, papers, writings, accounts or other documents of which the said Barristers may lawfully require the production, it shall be lawful for such Barristers either to make application to any of His Majesty's superior Courts at Dublin for an attachment against such person, which attachment shall issue out of such Court accordingly, on due proof by affidavit of the service of such summons and the default of the person so summoned, and be proceeded with in like manner and with the like penal consequences to the party disobeying such summons, as if the same had been a Subpœna ad testificandum or Duces tecum issuing out of such superior Court; or it shall be lawful for such Barristers, upon complaint upon oath made to them, to convict such person so offending as aforesaid summarily in such penalty, not exceeding Fifty Pounds, as they shall think fit, and in default of payment to commit such person to the Gaol of the county or place in which such Barrister shall be sitting, for any period not exceeding Three calendar Months.

20.
Barristers may allow Expenses to Witnesses not interested in the matter.

And be it Enacted, That where any person who may have acted as a Commissioner or Umpire in the establishment of any such Composition, or any other person, not being a party interested in the matter of such revision, either as the Owner or Occupier of Land subject to such Composition, or as a party who would have been entitled to the receipt thereof if this Act had not been made, shall appear before the said Barristers, and be by them required to give evidence, it shall be lawful for such Barristers, at their discretion, to order such reasonable allowance to be paid to such person, for his actual expenses and loss of time, as they may think proper; and such order shall be made under the hands of such Barristers, and directed to such person as the said Lord Lieutenant shall appoint to make payments conformably to such orders; and such money shall be paid accordingly, and included in the expenses of the revision of such Compositions, and repaid in like manner and as part thereof.

21.
Witnesses and Barristers how to be paid, and Expenses of Revision how to be repaid.

And be it Enacted, That every Barrister appointed for the duty of revising such Compositions as aforesaid shall be paid at the rate of Five Guineas for every Day that he shall be so employed; and all such Barristers who shall be so employed together shall, after the termination of their sitting at each place, lay or cause to be laid before the said Lord Lieutenant of Ireland a statement of the number of days during which they and each of them shall have been so employed, specifying in such account, where more than One Composition may have been revised at One place, the time employed and the expenses incurred in and about the revision of each such Composition respectively; and such Lord Lieutenant shall make an order for the amount ascertained to be due to each such Barrister as aforesaid, to be paid to him out of the said Consolidated Fund; and the said Lord Lieutenant shall authorize and direct an account to be kept in the office of the Vice-Treasurer of Ireland of the amount of the money so advanced on account of the expenses of the revision of such Compositions respectively; and where any expenses shall have been incurred on account of the revision of several Compositions conjointly, the amount of such joint expenses shall be apportioned amongst them in such manner and proportions as the said Lord Lieutenant shall direct; and in case it shall have been adjudged that the Owners or Occupiers of Land within the parish in which any such Composition may have been established should pay such expenses, or any proportion thereof, a certificate of the amount of the money so payable by such Owners or Occupiers shall be transmitted, under the hand of the Chief or Under Secretary of the said Lord Lieutenant, to the said Commissioners of Land Revenues, who shall assess rateably, according to the amount of Rent-charges payable by them respectively upon the person liable to Rent-charge in the parish wherein such Composition may have been established, the amount of such expenses or the proportion thereof adjudged to be paid by them, and levy and recover the same from such persons, together with and in addition to the Rent-charges then next payable; and in case such expenses or any part thereof shall have been adjudged to be paid by any party who would have been entitled to any Composition for Tithes if this Act had not been made, a like Certificate shall be transmitted to the Ecclesiastical Commissioners for Ireland, who shall deduct the amount of such expenses, or the proportion thereof adjudged to be paid by such party, from and out of any payment or payments to be made by warrant as hereinafter mentioned to such party, or to any party claiming such payment or payments in the same right or character, or by and under the same title or any title derived therefrom; and such Commissioners of Land Revenues are hereby authorized and required to pay over the amount of such expenses so recovered or deducted, pursuant to the order and direction of the Commissioners of His Majesty's Treasury, and the money so paid over shall be applied to replace the sums so advanced out of the said Consolidated Fund.

22.
Appeals now before Privy Council may be referred to Barristers under this Act.

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to cause such Compositions concerning which any appeal is now pending before the Lord Lieutenant and Privy Council, or before any Judge of Assize, and remaining undecided, to be revised by Barristers to be appointed as herein directed, in the same manner and subject to the same provisoes and enactments, in respect of costs and all other matters, as are provided and enacted with respect to Compositions to be revised under the provisions hereinbefore contained: Provided always, That the parties concerned

XIV.
Proceedings where the Liability of Lands to Rent-charge shall be disputed.

AND forasmuch as the Rent-charges made payable by this Act will be charged upon the Lands heretofore subject to the payment of Compositions for Tithes, it is expedient to make provision for the more cheap and convenient determination of the liability to such Compositions; BE it therefore Enacted, That where any person having any interest in the Land whereon any such Rent-charge shall appear charged shall dispute the liability of such Land thereto, by reason of such Land having been Tithe-free, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the Petition of any such person, in a summary way to make such order, allowing or disallowing such claim of exemption, (1) or to direct such feigned issue, or reference to any Master of the Court, or the Chief or Second Remembrancer, or other proceeding as such Court shall think proper for the purpose of ascertaining whether such Lands would have been rightfully charged with Tithe Compositions if this Act had not been made, or if such Compositions had not been suspended; and if it shall appear to the Court that such Land would not have been rightfully charged with such Composition, it shall be lawful for the said Court to declare such Lands exonerated from such Rent-charge, and to make any order for the amendment of the Rentals hereinafter mentioned, or any of them, and such Rental shall and may be amended accordingly.

XV.
What Prescriptions to be valid in Law in case of claims of Exemption from Tithes.

And be it Enacted, That all claims of exemption from or discharge of Tithes, or Compositions for Tithes, shall, in all cases whatever, be sustained and be deemed good and valid in law, upon
47 evidence showing the enjoyment of the Land without payment or render of Tithes, money or other matters in lieu thereof, for the full period of Thirty Years next before the passing of this Act, unless the render or payment of Tithes, or of money or other matter in lieu thereof, shall be shown to have taken place at some time prior to such Thirty Years, or it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the claim of exemption shall be extended to the full period of Sixty Years next before the passing of this Act, such claim shall be deemed absolute and indefeasible, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of Tithes or

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concerned in such appeals shall not be liable to any other or greater cost than they would have been if this Act had not been made.

(1) and to take such other proceedings thereon as are herein-
46 before directed in the case of the Petition of the said Revising Barristers,

or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar or other Corporation sole, whether spiritual or 48
temporal, or by the said Ecclesiastical Commissioners, then every such prescription or claim shall be valid and indefeasible, upon evidence showing such enjoyment had, as is hereinbefore mentioned, for and during the whole time that Two persons in succession shall have held the Office or Benefice in respect whereof such render of Tithes in kind might have been claimed, and for not less than Three Years after the appointment and institution or induction of a Third person thereto: Provided always, That if the whole time of the holding of such Two persons shall be less than Sixty Years, then it shall be necessary to show such enjoyment had, not only during the whole of such time, but also during such further number of years either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of Sixty Years; and also for and during the further period of Three Years 49
after the appointment and institution or induction of a Third person to the same Office or Benefice, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing.

XVI.
To what cases the hereinbefore contained Provisions shall not extend.

Provided always, and be it Enacted, That the Provisions hereinbefore contained with respect to the establishment of claims of exemption from or discharge of Tithes shall not extend to any case where the Tithes of any Land shall have been demised by deed for any term of life or number of years, or where any Composition for Tithes shall have been made by deed or writing by the person or body corporate entitled to such Tithes with the owner or occupier of the Land for any such term or number of years, and such demise or Composition shall be subsisting at the time of the passing of this Act, nor to any suit for establishing a claim to Tithes which was 50
pending on the First day of June in the present year.

XVII.
Time during which Lands shall be held by persons entitled to the Tithes thereof to be excluded in the Computation; as also the Time during which any person capable of resisting any Claim shall be an Infant, &c.

Provided, and be it further Enacted, That where any Lands or Tenements shall have been held or occupied by any Rector, Vicar or other person entitled to the Tithes thereof, or by any person compounding for Tithes with any such Rector, Vicar or other person, whereby the right to the Tithes of such Lands may have been or may be during any time in the occupier thereof, or in the person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned: Provided also, That the time during which any person otherwise capable of resisting any claim to any such exemption or discharge as aforesaid shall have been an infant, idiot, non compos mentis, feme covert or lay tenant for life, or

during which any action or suit shall have been pending, and which
51 shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

XVIII. What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

And be it further Enacted, That in all proceedings to be taken after the passing of this Act, for the purpose of determining the exemption or discharge of any Lands from Tithes, it shall be sufficient to allege that the exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and any provision, exception, incapacity, disability, contract, agreement, deed or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

XIX. No Presumption allowed in support of any Claim for any less period than herein mentioned.

52 And be it further Enacted, That in the several cases mentioned in and provided for by this Act, no presumption shall be allowed or made in favour or support of any claim of exemption, upon proof of the exercise or enjoyment of the right claimed, for any less period of time or number of years than for such period or number mentioned in this Act, as may be applicable to the case, and to the nature of the claim.

XX. When Tithe-free Lands have been subjected to Composition, such Composition shall be reduced.

And be it Enacted, That where any Lands made subject to the payment of any part of a Composition (the amount of such Composition not having been fixed by agreement) shall by virtue of any decision in law or equity have been or at any time shall be declared to be exempt from the payment of Tithes, it shall be lawful for the said Commissioners of Land Revenues to nominate and appoint some proper person to inquire into and ascertain, by examination of the Commissioner or Commissioners, or Umpire, as the case may be, by
53 whom such Composition may have been established, or otherwise upon the best evidence which can be procured, the sum included in the amount of such Composition on account of the Tithes of such Land; and the Rent-charges payable out of such parish under the provisions of this Act, instead of such Composition for Tithes, shall be reduced proportionably, and the hereinafter mentioned Rental thereof framed or amended accordingly; and the said Commissioners of Land Revenues shall from time to time, as need may be, certify to the said Ecclesiastical Commissioners any diminution which may be made in the amount of such Rent-charges, and the payments to be made under the provisions hereinafter following to the persons who would have been entitled to Compositions for Tithes

if the same had not been by this Act abolished, shall be diminished accordingly.

XXI.
Persons entitled to Compositions, to deliver up the copies of Certificates and Applotment Books.

And be it Enacted, That the several persons entitled to Compo-
sitions for Tithes shall, with all convenient speed after the passing 54
of this Act, transmit and deliver up to the said Commissioners of
Land Revenues the copies of the Certificates of such Compositions
and of the Books of Applotment in the possession of such persons
respectively; and the said Commissioners shall, if need be, cause
such copies to be compared with the originals thereof, and amended
accordingly; and in case such copies of the Certificates and Books
of Applotment shall not be forthcoming, it shall be lawful for the
said Commissioners to cause copies to be made from the originals
thereof by some person to be by them appointed for that purpose.

XXII.
Penalty on any person neglecting to deliver such Documents to Commissioners within a Month from passing of Act.

And be it Enacted, That if any such person as aforesaid shall
refuse or wilfully neglect to deliver to the said Commissioners the
Documents hereinbefore mentioned within One calendar Month
next after the passing of this Act, he shall be liable to be sued for
the sum of One hundred Pounds, to be recovered by an action of 55
debt or information in the name of His Majesty's Attorney-General
in any of His Majesty's superior Courts of Record at Dublin; and
the Jury may in any such action find a verdict for the sum of One
hundred Pounds, or for any sum not less than Ten Pounds, as they
shall think just, and the Defendant against whom such verdict shall
be found shall pay the amount thereof, with full costs of suit, to the
use of His Majesty.

XXIII.
The Commissioners of Land Revenues may amend Applotments.

And be it Enacted, That in any case in which it shall appear
to the satisfaction of the said Commissioners of Land Revenues at
any time within Six Months after the passing of this Act that the
Applotment of any Composition is defective or unjust, or does not
with sufficient precision ascertain the lands and holdings in respect
whereof or the persons by whom the said Rent-charges will be
henceforth payable, it shall and may be lawful for the said Com-
missioners, at any time within Six Months after the passing of this 56
Act, to direct such Applotment to be amended, and for that
purpose to appoint some one or more skilful person or persons, who
shall therein have and exercise the like powers, privileges and
authorities, and observe the several regulations in the said Acts for
establishing Compositions of Tithes expressed and contained, but
subject nevertheless to such instructions and directions as the Com-
missioners of Land Revenues shall prescribe for the avoiding any
defect or uncertainty to which the original Applotment may have
been liable; and such amended Applotment shall be returned to the
said Commissioners, attested under the hand of the person or
persons

persons making the same, and the original Book of Applotment shall be amended accordingly; and such amended Book of Applotment shall be in the place and stead of the said original Book of Applotment, and be valid and effectual to all intents and purposes for which the said original Book of Applotment would have been valid and effectual, but in the mean time such original Book shall be in full force and effect; and the said Commissioners shall pay to the person or persons employed by them for the purposes aforesaid such remuneration as they shall think reasonable; and it shall be lawful for the said Commissioners, if they shall so think fit, to assess upon the persons liable to such Rent-charges under any such Applotment the expenses thereof, and to levy and recover the same, together with and in addition to the Rent-charges then next payable.

XXIV.
Distinct Rentals, showing the Rent-charges payable in each Parish, shall be framed, and copies of Certificates, &c. to be transmitted to the Ecclesiastical Commissioners.

And be it Enacted, That the said Commissioners, having duly examined, compared and amended (as need may be) all such copies of Certificates and Applotments, shall cause to be framed therefrom distinct Rentals for each parish, and such Rentals shall show the amount of the Rent-charges which will by virtue of this Act become payable to His Majesty out of each such parish, and the Lands in respect whereof the same will be so payable; and having caused such Rentals to be framed, the said Commissioners shall deliver all such copies of Certificates transmitted to them as aforesaid, or copies of such Certificates as amended (in cases where the same may have been amended under the provisions hereinbefore contained), to the Ecclesiastical Commissioners for Ireland, to be by them kept and preserved.

XXV.
The Rental shall be inrolled in the Office where the King's Rentals are preserved.

And be it Enacted, That the said Commissioners of Land Revenues shall cause the said Rentals, with such maps and plans thereto annexed as they may think necessary, to be deposited in the Office of Record in Ireland in which the original Rentals of the King's Rents are kept, and shall revise and amend such Rentals from time to time as they may find necessary; and any copy or extract therefrom, attested by the Officer in whose custody the same shall remain, and which copies the said Officer is hereby required to grant to any person applying for the same, on payment of such fee as the said Commissioners shall appoint, shall for the purposes of this Act be admitted in all Courts as conclusive evidence of the Rent-charges thereby appearing payable to His Majesty under this Act, and of all such matters and things as shall appear by such copy or extract, or be stated therein.

XXVI.
Receivers shall give Receipts;

And be it Enacted, That every Receiver to be appointed by the said Commissioners of Land Revenues under this Act shall be and also enter Receipts in a Book to be lodged in the Record Office.

appointed by Warrant under the hands and seals of Two or more of the said Commissioners, and a duplicate of every such Warrant, to be in like manner executed, shall be inrolled within One calendar Month after the date thereof in the Office of Record in Ireland where the Rentals of the King's Rents shall be preserved; and every such Receiver shall, upon payment of any Rent-charge, give to the person paying the same a full and clear receipt and acquittance for what he shall receive, under his hand, wherein he shall state the sum so by him received, and for what Rent-charge, and for what Lands, and on 60 what account the same shall be paid to him; and every such receipt shall be given without fee or reward; and that every such Receiver shall every year prepare a Book, wherein he shall enter all the receipts or acquittances by him given for all the aforesaid Rent-charge, under his hand, and in the presence of the parties paying the same respectively, which receipts the said parties, or any other person on their behalf, may without fee or reward set their names to; and the said Receivers respectively shall yearly return the said Books, under their hands and on their oaths, into the Office of Record in Ireland wherein the Books of the Collection of Quit, Crown or Composition Rents are or shall be deposited, and the same shall there remain and be kept, not only as a charge on such Receivers respectively, but also as a discharge to the subject for all sums thereby appearing to be paid as aforesaid.

XXVII.
Rent-charges how to be recovered.

And be it Enacted, That the said Rent-charges shall have priority over all other charges, liens, mortgages and incumbrances what- 61 soever, and shall and may be recovered by the ways and means hereinafter mentioned, and also by all such other ways and means as any Rent-charge payable to His Majesty may be recovered: Provided always, That in any suit, process or proceeding which may be taken for the recovery thereof, costs shall be awarded and paid or received, to or by either party, in like manner as in any suit, process or proceeding taken by or between subject and subject.

XXVIII.
Where Rent-charge in arrear, and the person liable thereto shall not be in occupation of the Lands charged therewith, or where such person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c.

And be it Enacted, That in all cases where any Lands charged with the said Rent-charge shall be held or occupied by any person other than the person liable under the provisions of this Act to the payment thereof, it shall not be lawful to make any distress upon such Lands, or upon any other Lands, goods or chattels of such person for such Rent-charge, but in all such cases, and also in all cases where the person liable to the payment of such Rent-charge may not be known to the Receiver, and such Rent-charge shall be in arrear and unpaid for the space of Thirty-one Days after the 62 same shall have become due, it shall be lawful for a Court of Equity, upon application as hereinafter mentioned, and in default of its being shown to such Court that the person in occupation of such Land is liable to the payment of such Rent-charge, to make an Order that the Receiver or other person authorized by the said Commissioners of Land Revenues to demand payment of such Rent-charge shall receive the rents or such part of the rents of the Lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all arrears thereof, until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such Court, and also the costs out of pocket of such application, and that out of the sums so received, such fees and costs shall be ordered to be paid; and that such Order shall be made upon the Petition and Affidavit of the said Receiver or other person authorized as aforesaid, after reasonable time given to show cause; and notice of the intention to make such application shall, Ten Days previous to making the same, be served upon the person or the known attorney, agent or steward of the person in receipt of or entitled to such rents, either by delivering such notice to the party personally, or by leaving the same at his usual place of residence; and that the said Receiver shall be empowered by the said Court to recover the said rents, or so much thereof as may be necessary, by distress and all such other remedies as Receivers in any manner appointed by Courts of Equity in Ireland are empowered to recover rents, according to the rules and practice of such Courts respectively.

XXIX.
Receivers may distrain in cases where the person liable to the payment of the Rent-charge is in occupation of the Land.

Provided, and be it Enacted, That where the person liable to the payment of any Rent-charge shall occupy the Land in respect whereof the same may be payable, it shall and may be lawful for every such Receiver, by himself or any person or persons whom he shall for that purpose depute, to make any distress or distresses for any arrears of such Rent-charge which shall be in the collection or receipt of such Receiver, and the goods, chattels and effects so distrained to impound, sell and dispose of in like manner as in case of a distress for any quit, crown or composition rents payable to His Majesty out of Lands in Ireland.

XXX.
Persons liable to Rent-charges, and not paying the same, liable to Interest on the Amount.

And be it further Enacted, That if any person liable to the payment of any Rent-charge shall be in arrear for the same for the space of Three calendar Months after the same shall have accrued due, every such person shall be charged and chargeable with Interest for such arrear, to be calculated after the rate of Three Pounds for every One hundred Pounds by the year, from the time at which the same became due up to the time at which the same shall be actually paid; and that such Interest shall be added to the Rent-charge so in arrear as aforesaid, and recovered by the same ways and means, together with all costs and expenses incurred in or about the recovery thereof.

Provided

XXXI.
Commissioners of Land Revenues may apportion Rent-charges.

Provided always, and be it Enacted, That if any party liable in respect of any such estate or interest as aforesaid to the payment of any such Rent-charge shall at any time be desirous that such Rent-charge shall be charged upon any particular part or parts only of the Lands subject thereto, or upon any other Lands settled or limited to or for the same uses, trusts, intents or purposes, and in the same order and course of limitation, and subject to the same charges, liens and incumbrances, and shall give notice in writing of such desire to the Commissioners, then and in such case it shall be lawful for the said Commissioners to order and direct that the whole of such Rent-charge shall in future be exclusively charged upon such part or parts of the said Lands as shall be specified in such notice, or upon such other Lands as shall be specified therein, and thereupon in the former case such part or parts of the Lands 66 originally liable to such Rent-charge shall be exclusively subject thereto, and the rest of such Lands shall be freed and discharged therefrom; and in the latter case the Lands originally liable shall be discharged from the liability to such Rent-charge, and the Lands substituted in lieu thereof shall become exclusively subject to such Rent-charge: Provided always, That the annual value of the part or parts of any such Land which shall be so made exclusively subject to such annual payment, or the annual value of the other Lands which shall be so substituted, shall not be less in amount than Three times the amount of such Rent-charge at the least, and shall be separately described and distinguished in some Deed or Instrument to be prepared under the direction of the said Commissioners, and deposited in the same place and custody where the original Rental containing such Rent-charge shall be deposited under the provisions of this Act, to be preserved and kept therewith, and to be in like manner open to inspection, and copies of or extracts taken 67 therefrom in like manner and having the like validity and effect as copies and extracts of or from such Rental.

XXXII.
Rent-charges to be variable in like manner as Tithe Compositions.

AND whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from time to time, with reference to the average price of corn as advertised in the Dublin Gazette during the preceding Seven Years; and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions should be subject to a similar variation; BE it therefore Enacted, That it shall and may be lawful for any Three or more persons in any parish or place, each charged with the annual payment of Three Pounds or upwards in respect of any such Rent-charges, and for the (1) *several persons who if this Act had not been*

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(1) said Commissioners of Land Revenues

been made would have been entitled to the Composition for Tithes,
respectively to make application for the increase or diminution of
68 such Rent-charges, at such periods from time to time, and in such
manner, as if he or they were liable to the payment of Compositions
for Tithes or entitled to the receipt of such Compositions, he or they
might respectively make such application; and the like notice of
any such application shall be given, and all such and the like pro-
ceedings had thereupon, as by the provisions of the said several Acts
for establishing Compositions for Tithes in Ireland authorized and
directed in the case of applications thereunder; and such Rent-
charges shall be increased or diminished, and the Rentals deposited
in the Office of Record where the King's Rentals are kept shall be
altered accordingly; *and notice of such increase or diminution shall*
in every case be given to the said Commissioners; and the said Com-
missioners of Land Revenues shall from time to time, as need may
be, certify to the said Ecclesiastical Commissioners any increase or
diminution which may be made in the amount of such Rent-charges,
and the payments to be made under the provisions hereinafter fol-
lowing, to the persons who would have been entitled to Composi-
69 tions for Tithes out of the Lands subject to such Rent-charges if
this Act had not been made, shall be increased or diminished accord-
ingly; provided, that when the price of any particular species of
corn shall be stated in the certificate of such Composition, the Jus-
tices to whom such application may be made shall ascertain the
average price of that species of corn from the said Gazette, and
such comparison shall be made between the price thereof as stated
in such certificate, and the price thereof as so ascertained from the
said Gazette during each period of Seven Years; and provided fur-
ther, that where the price of corn shall not be stated in any such
certificate of Composition, the said Justices shall ascertain from the
said Gazette the average price of corn for the period of years with
reference whereto such Composition may have been calculated, and
deal therewith as if the same had been originally stated in such
certificate.

70 And be it Enacted, That on or as soon as conveniently may be after the First day of December in this present year, and on or so soon as conveniently may be after the First day of November in every succeeding year, the several persons, other than the Incumbents of Benefices, *of whom the incomes may be regulated by order of the Lord Lieutenant, under the provisions* hereinafter [1] *contained,* who would have been at such time entitled to Compositions for Tithes, or any part or proportion thereof, if the same had not been by this

XXXIII.
On the First December in this present year, and on the First November in every succeeding year, the several persons entitled to Compositions shall apply to the Ecclesiastical

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[1] mentioned,

Commissioners, who shall ascertain the Amount due to such Applicants, and issue Warrants on the Commissioners of Land Revenues for such Amount, subject to a deduction of 32*l.* 10*s.* per centum.

this Act abolished, shall, in such manner and form as the said Ec-
clesiastical Commissioners may appoint, make application to the
said Ecclesiastical Commissioners, showing their respective rights
and interests, and such Commissioners shall examine into and as-
certain the same, provided that the amount due to each such appli-
cant shall be computed on the original amount of such Compositions
as stated in the certificates thereof respectively, without regard to
the abatement of Fifteen per centum to which any Landlord 71
paying the same might have been entitled by virtue of any under-
taking and agreement under the provisions of the hereinbefore
recited Act of His present Majesty's reign, but subject nevertheless
to such alteration in the amount of each such Composition as may
be made *upon an appeal*, under the provisions hereinbefore contained
(1) or as may take place with reference to any variation in the price
of corn as heretofore provided or otherwise under the provisions
of this Act; and having in such manner computed and ascertained
the amount to which each such applicant may be entitled, the said
Commissioners shall reduce the same at and after the rate of (2)
Twenty-seven Pounds Ten Shillings per centum on the amount so
found due, and shall deliver or cause to be delivered to each such
applicant or to his order, a warrant expressing the sum to which he
may be so found entitled, reduced as aforesaid; and in like manner
and time the several Incumbents of Benefices, (3) of whom the 72
incomes may be regulated by order of the Lord Lieutenant in
Council, under the provisions hereinafter contained, and the several
persons in anywise claiming in their right or in any right derived
therefrom, shall make application to the said Ecclesiastical Com-
missioners, showing their respective rights and interests, and the
said Commissioners shall examine into and ascertain the same, and
deliver or cause to be delivered to each such applicant, or to his
order, a warrant expressing the sum to which he may be found
entitled, deducting therefrom Sixpence in the Pound; and every
such warrant shall bear date on the day on which the same shall be
issued, and shall be addressed to the said Commissioners of Land Reve-
nues, and shall be subscribed by Two at least of the said Ecclesiastical
Commissioners, and countersigned by the Secretary of such Com-
missioners, and shall be made in such method and form as shall be 73
deemed most safe and convenient by the said Commissioners of
Land Revenues; and all such warrants so to be made out in each
year shall be respectively numbered arithmetically, beginning with
the number one, and shall be prepared and made out with such
cheques, indents and counterparts as shall be directed by the said
last-mentioned

Incumbents of Benefices, and Curates, to whom Incomes may be assigned under this Act, shall apply in like manner, and shall receive like Warrants for Sums to which they may be found entitled, subject to a deduction of Sixpence in the Pound.

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(1) for the revision of such Compositions,

(2) Thirty-two (3) and Curates,

last-mentioned Commissioners; and at some time previous to the day or days to be appointed as hereinafter mentioned for the payment of such warrants, the said cheques, indents or counterparts from which the said warrants shall have been cut, shall be delivered to the Cashier or Cashiers of the Bank of Ireland appointed to pay off the said warrants, and shall remain in the use and custody of such Cashier or Cashiers, in order to prevent his or their being imposed upon by forged or counterfeit warrants.

XXXIV. Rents and Sums due by Owners of Tithes shall be deducted.

And be it Enacted, That where any person entitled as aforesaid to the receipt of any Composition shall be liable to the payment of 74 any rent or annual sum in respect of such Composition, or of the Tithes to which the same may relate, either to His Majesty or to any other person, or where any spiritual person shall be liable to the payment of the tax payable under the provisions of an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," or to any other sum payable to the said Ecclesiastical Commissioners in respect of any dignity, benefice, office or promotion spiritual, the said Ecclesiastical Commissioners shall, after having ascertained the amount to which such person may be entitled as hereinbefore provided, subject to the said deductions of (¹) *Twenty-seven* Pounds Ten Shillings, or Sixpence in the Pound, as the case may be, deduct from such net amount so reduced the amount of such rent, tax or sum, or in cases where 75 any Lands may be held together with such Tithes at one entire rent, then a proportionate part of such rent, and the residue only shall be expressed in the warrant to be delivered to the person entitled as aforesaid to such Composition; and the said *Ecclesiastical* Commissioners shall deliver or cause to be delivered to the person entitled to such rent or sum, or to his order, a warrant wherein the amount of rent so deducted shall be expressed, and shall, when such rent or sum shall be payable to His Majesty, certify the amount deducted as aforesaid to the said Commissioners of Land Revenues, to be by them paid over to the proper account, and in the case of the said tax or other payment due to themselves, shall deliver to their own Treasurer a warrant addressed to the said Commissioners of Land Revenues for the amount thereof.

3 & 4 Will. 4, c. 37.

XXXV. Holders of Leases of Tithes, &c. may surrender the same,

76 Provided, and be it Enacted, That if any Lease or Demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the passing of this Act, it shall and may be lawful for the Lessee

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(¹) Thirty-two

or compel the Lessors to reduce the Rents.

Lessee in such Lease, or his representatives, within Two calendar Months after the passing of this Act, to surrender such Lease to his immediate Lessor or his representative; or it shall be lawful for such Lessee or his representatives, instead of surrendering such Lease, to serve on such Lessor or his representatives, within such period of Two Months, a notice in writing requiring him or them to reduce the rent reserved by such Lease in proportion to the reduction of the profits arising thereunder, by reason of the conversion of the 77
Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the provisions of this Act; and in case such Lessor or his representatives shall omit or refuse, during the period of One calendar Month from the service of such notice, to agree to make the abatement specified in such notice, or such other abatement as shall be satisfactory to the person serving such notice, the matter of such notice shall be referred to Three Arbitrators, one to be appointed by such Lessee or his representative, another by such Lessor or his representatives, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after notice in writing to be given by such Lessee or his representative for that purpose; and in case such Lessor or his representatives shall omit or refuse, within Ten Days after the service of such notice as last aforesaid, to appoint an Arbitrator on his or their behalf, it shall and may be lawful for such Lessee or person serving such notice to apply to the Commis- 78
sioners of Land Revenues, by affidavit stating the facts, whereupon the said Commissioners of Land Revenues shall and they are hereby authorized to nominate and appoint an Arbitrator to act on the part of such Lessor so omitting or refusing to act as aforesaid, and the appointment of such Arbitrator shall be equally valid to all intents and purposes as if made by such Lessor; and in case of the death or incapacity, neglect or refusal to act of any of the said Arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said Arbitrators appointed by the parties, as the case may be, within Ten Days next after notice thereof; and the said Arbitrators, or any Two of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such ways and means as they shall think proper, whether any and what abatement of the rent reserved in any such Lease should be made to the Lessee therein named, for or on 79
account of the deduction in the amount of Tithe recoverable under such Lease, arising from the operation of this Act; and the said Arbitrators, or any Two of them, shall specify in their Award the amount of the abatement to be made in the Rent reserved in said Lease, and the amount so specified shall be no longer payable or recoverable under such Lease, and such Award shall be of like force and effect as a release of so much of said rent as is thereby directed to be abated; and the said Arbitrators shall execute Two

copies of their said Award, one to be delivered to the Lessor in such Lease or his representatives, and the other to be deposited with the said Commissioners of Land Revenues; and such Arbitrators, or any Two of them, shall have power and are hereby authorized to award that such Lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

XXXVI.
In cases of doubt as to the Rights of the parties entitled to Payment, the Ecclesiastical Commissioners may apply by Petition to the Court of Chancery or Exchequer for its direction.

Provided always, and be it Enacted, That if the said Eccle-
80 siastical Commissioners shall entertain any doubt or difficulty in
ascertaining the rights and interests of the parties respectively
entitled to such payments, it shall and may be lawful for the Courts of
Chancery and Exchequer in Ireland, upon the petition of the said
Commissioners stating the premises in a summary manner, either
to make an order disposing of the matter of such petition, or
referring the same to any Master or to the Chief or Second Remem-
brancer, with liberty for the parties to attend him, and with such
other directions as such Court shall deem proper, or to direct such
feigned issue or other proceeding as the Court at its discretion
may deem proper for ascertaining the rights of the parties; and
in such case the said Ecclesiastical Commissioners shall make out
and deliver the warrant for the payment of the money in dispute
to the Accountant General of such Court, who shall be authorized
to receive payment thereof; and the monies paid thereon shall be
applied in such manner as such Court shall think equitable and
81 just for the benefit of the party or parties who shall be found
entitled, thereto; and in the meantime and until the same shall be
so applied such monies shall, by order of such Court, upon application thereto, be invested by the Accountant General of the said Court, without fee or reward, in his name, in the purchase of such Public Funds or Government Securities as the said Court shall direct; and the said Ecclesiastical Commissioners shall have their costs out of the fund to which such petition shall relate; and the costs of any other party to such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced by attachment or otherwise, as such Court shall direct.

XXXVII.
Certificates of Compositions shall be only primâ facie Evidence of the Rights of the persons entitled thereto as between themselves.

AND whereas doubts have arisen with respect to the effect of
Certificates for the Composition of Tithes in Ireland, made under
82 the authority of the said Acts for establishing such Compositions,
as respects the rights or titles of persons having or claiming to
have estates or interests in the Tithes or Compositions to which such Certificates respectively relate; BE it therefore Enacted, That no Certificate under said Acts or any of them shall, as against any person claiming any estate or interest in Tithes or Composition for

Tithes, and asserting such claim by any proceeding at law or in equity, or in the case of any such Petition to the said Courts of Chancery or Exchequer, be deemed to be evidence of the right or title of any person in such Certificate described; and that if it shall be decided by any court of competent jurisdiction that any person other than the person in such Certificate described, or those deriving under such person, would have been entitled to such Composition, or to the Tithes to which the same shall relate, the person so declared entitled shall be thereupon authorized and entitled to receive the payments accruing due under authority of this Act, in lieu of the Composition in such Certificate mentioned, as if originally named 83 therein; and until such decision such Certificate, and all payments made under the same, shall be good, valid and effectual against all persons whatsoever.

XXXVIII.
If Warrants defaced, new Warrants may be given instead, and former Warrants cancelled.

Provided, and be it Enacted, That in case any of the said Warrants shall by any accident be defaced, it shall be lawful for the said Ecclesiastical Commissioners to cause a new Warrant to be made in lieu of the Warrant so defaced, which Warrant so defaced shall be cancelled by the said Ecclesiastical Commissioners; and such Warrant so to be made in lieu thereof shall have the like effect, and in all respects be subject to the same rules, and have and bear the same number, date and principal sum as the Warrant so cancelled.

XXXIX.
If Warrants lost, others may be issued for the same Amount, an Indemnity being given by the person receiving such other Warrant.

Provided also, and be it further Enacted, That in case proof shall be made on oath by One or more credible witness or witnesses, before any Baron of His Majesty's Court of Exchequer in Ireland, that any Warrant has been by casualty or mischance lost, burned or otherwise destroyed before the same shall have been paid off and discharged, and if by such oath the Number and Sum of such Warrant shall be ascertained, and such Baron shall certify that 84 he is satisfied with such proof, then and in every such case the said Ecclesiastical Commissioners are hereby authorized to cause another Warrant to be made and delivered for the Sum expressed in the Warrant so lost, burned or destroyed; provided that the person so receiving such other Warrant do give security to the King to the satisfaction of the said Commissioners of Land Revenues for the Sum so expressed, if the Warrant so certified to be lost, burned or destroyed shall be thereafter produced.

XL.
A Time to be appointed for paying off Warrants.

And be it Enacted, That the said Commissioners of Land Revenues shall, as soon as conveniently may be after the First day of January in every year, appoint and notify a time or times for receiving and paying off such Warrants respectively, and shall cause the same to be paid off and discharged accordingly at the Bank of

Ireland, together with interest at the rate of Three Halfpence per centum per diem on the several sums contained or expressed therein, from the First day of February in the year next succeeding the passing of this Act, and from the First day of January in every succeeding year, until the times so appointed for paying off and discharging such Warrants; and the Cashiers of the Bank of Ireland shall at such time or times pay off the sums contained or expressed in all such Warrants, with interest as aforesaid, as shall be from time to time in course of payment, and take in to be cancelled, as the said Commissioners of Land Revenues shall direct, all Warrants so paid off.

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50. His Majesty to appoint a Committee of the Privy Council, to be styled "The Ecclesiastical Committee of the Privy Council of Ireland."

(1) And be it further Enacted, That it shall be lawful for His Majesty from time to time, by His sign manual, to appoint such and so many persons as he may think fit, being Privy Councillors of the Privy Council of Ireland, and members of the United Church of England and Ireland, to be a Committee of the said Privy Council of Ireland, which shall be styled "The Ecclesiastical Committee of the Privy Council of Ireland;" and it shall be lawful for His Majesty, from time to time at his pleasure, to remove any person so appointed: Provided that no matter shall be considered, nor any report or recommendation made, by the said Ecclesiastical Committee in pursuance of this Act, unless in the presence of at least Three members of the said Committee, and that no report or recommendation be made unless a majority of the members of such Committee present at the consideration of the matter shall concur in such report or recommendation: And provided always, That each and every person so at any time appointed to be of such Committee do and shall, before acting under such appointment, subscribe a declaration to be recorded among the Acts of the said Council, in the words following; (that is to say)

Committee to subscribe a Declaration.

> "I do hereby solemnly, and in the presence of God, testify and declare, That I am a Member of the United Church of England and Ireland, as by law established. Witness my hand this day of ."

And provided further, That such of the Archbishops of Ireland as shall be Privy Councillors shall, without any appointment, be ex officio members of the said Ecclesiastical Committee.

51. When any Benefice shall become vacant, the Ecclesiastical Commissioners shall report the circumstances thereof to the

And be it Enacted, That when and as the Church of each Parish or Union, whether forming the corps of any dignity or otherwise, shall, after the passing of this Act, become vacant in any manner whatsoever, the said Ecclesiastical Commissioners shall inquire into the nature and extent of each such Parish or Union, the number of the members of the Established Church therein, as the same may

Lord Lieutenant, who shall refer same to a Committee of Privy Council.

appear by the Report of the Commissioners named in the herein- 87
before recited Commission bearing date the Fifth day of August in the fifth year of His Majesty's reign, or by the Returns or other documents or evidence upon which such Report may have been framed, the situation of each Church and Glebe House, the nature and extent of the Glebe Lands, the number of Services celebrated on Sundays, the places within each such Parish or Union, other than a Church, wherein Divine Service is occasionally celebrated, and how often and since when and at what periods, and such other circumstances as they may think material with reference to each such vacant Parish or Union and any adjoining Benefices, and shall report all such facts and circumstances to the said Lord Lieutenant, who shall refer such Report to the said Ecclesiastical Committee of the Privy Council of Ireland, and that such Committee shall take each such Report into consideration; and the said Lord Lieutenant shall have power and authority from time to time to require the said Ecclesiastical Commissioners to ascertain and report such further or other particulars relating to each such 88
Parish or Union so vacant, or to any adjoining Benefices, as such Committee shall represent to be material; and that the said Committee, having fully considered all the facts and circumstances shown by such first or by any subsequent Report, shall decide whether any alteration of the Boundaries of each such vacant Parish or Union is proper to be made, and if so, whether the same should be divided into Two or more Benefices, or the whole, or any and what part or parts thereof, united to any and what adjoining Benefice or Benefices, or part or parts thereof, and shall assign Boundaries and a name to the new Benefice or Benefices, if any, so proposed to be formed; and having decided upon the matters aforesaid, the said Committee shall next consider and fix, subject to the regulations hereinafter contained, the amount of income proper for the future Incumbent of each such vacant Benefice, if it shall have been decided that the same should be maintained unaltered according to its existing Boun- 89
daries; and if they shall have decided on any such alteration as aforesaid, they shall consider and fix, subject to the like regulations, the incomes proper, severally, for the future Incumbents of the new Benefice or Benefices, as the case may be, so proposed to be formed; and the said Committee shall in like manner consider and fix, subject to the like regulations, the extent of Glebe Lands, if any, proper to be annexed to such existing or new Benefice or Benefices, as the case may be; and the said Committee shall also take into consideration the situation and suitableness for the purposes of such Benefice or Benefices of any Glebe House or Church or Chapel which may be therein, and make such decision as shall appear to them proper in respect of the occupation and appropriation thereof; and

Lord Lieutenant may require a further Report.

Committee shall decide whether the Boundaries of vacant Benefice shall be as heretofore; or whether same shall be divided or united to some adjoining Benefice.

Committee shall fix Amount of Payment to be made to future Incumbent, and Extent of Glebe Lands to be annexed to Benefice.

XLI.
Inquiries as to certain Benefices in Ireland to be made by Ecclesiastical Commissioners, and Report to be made to the Lord Lieutenant.

And be it Enacted, That the Ecclesiastical Commissioners for Ireland shall forthwith inquire into the circumstances of every Benefice in Ireland which comprises within its limits a City or Town or any part thereof, and also into the circumstances of every Benefice in Ireland the net annual income of which, from whatever source derived, shall not exceed Three hundred Pounds, and with respect to every such Benefice shall ascertain the nature and extent thereof, and of the spiritual duties to be performed by the Incumbent thereof, and the number of Assistant Curates either employed or required for the due discharge of such duties, and the amount of net annual income arising within such Benefice, and from what sources derived, and whether there be an adequate Glebe House within the Benefice, and

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and shall also fix and report upon all such matters and things relating to any such Benefice, and to any charges or payments affecting, or to be made by or to the late Incumbent of such Parish or Union, or his successors, as they may think proper; and shall make such recommendation and report in the premises as they shall think
90 proper to the said Lord Lieutenant in Council; and an Order of the said Lord Lieutenant in Council shall be made pursuant thereto; and it shall be lawful for the said Lord Lieutenant in Council by such Order to settle and adjust all such matters, in respect of residence, ecclesiastical dues, parochial rights, payments, pensions, procurations, synodals, Crown rents, port corn rents, salaries of schoolmasters, right to pews, repair of chancels, boundaries and other matters and things proper or necessary to be settled and adjusted in consequence of the changes directed to be made by such Order; and the Order of the said Lord Lieutenant in Council, upon all such matters and all other matters contained in the recommendation and report of the said Ecclesiastical Committee, shall be conclusive and binding in law, as well in respect of His Majesty as all other persons affected thereby; and a copy or copies of such Order, certified under the hand of the Clerk of the said Council, with such maps or charts annexed thereto as may be necessary, shall be transmitted to the Bishop of the Diocese, or Bishops of the Dioceses within which the Benefice or Benefices to which Order
91 may relate, shall be situate; and shall be entered in the Registry of each such Diocese, for which entry the sum of Thirteen Shillings and Four-pence and no more shall be paid to the Registrar, and shall also be enrolled in the Rolls Office of the Court of Chancery in Ireland, for which enrolment the sum of Thirteen Shillings and Four-pence and no more shall be paid, over and above the expenses usually paid to the Engrossing Clerk for the same; and another copy of such Order, with such maps and plans as aforesaid annexed thereto, shall be transmitted to the Ecclesiastical Commissioners for Ireland, to be by them kept and preserved in their office.

Lord Lieutenant in Council shall make Order accordingly.

and whether there be adequate Church or Chapel accommodation within the same, and whether there be any place, other than a Church or Chapel, wherein Divine Service according to the rites of the United Church of England and Ireland is occasionally celebrated, and shall consider whether, by any alteration of the limits of such Benefice, greater facility might be afforded to the discharge of the spiritual duties, or a more adequate income be afforded to the Incumbent, and whether it is expedient that in such Benefice a Glebe House should be built, or a Church or Chapel should be built or enlarged; and the said Ecclesiastical Commissioners shall and they are hereby required, with all convenient speed, to make a Report to the Lord Lieutenant in Council, and insert in such Report a List of every such Benefice as aforesaid comprising any City or Town or any part of a City or Town, and another List of every such Benefice as aforesaid not comprising any City or Town or part thereof, and in the extent and limits of which it does not appear to them to be expedient to propose any alteration; and such Report shall also specify every such Benefice as aforesaid not comprising any City or Town or any part of a City or Town in which it shall appear to the said Commissioners that the spiritual duties might be better discharged, or a more adequate income secured to the Incumbent by annexing thereto the whole or part of any adjoining Benefice, and shall state what adjoining Benefice or what part or parts thereof they recommend to be annexed to such Benefice respectively, and when they shall recommend any part or parts of a Benefice to be annexed to another Benefice shall describe the limits of the Benefice so proposed to be enlarged, and the income which shall appear to them to be proper to be assigned to the Incumbent of such enlarged Benefice in future, and shall distinguish and specify every Benefice to be mentioned in such Report in which the income of the Incumbent, reference being had to the extent and circumstances of the Benefice, and to the nature and extent of the spiritual duties to be performed by the Incumbent, is so inadequate that there shall appear to the said Commissioners to be an urgent claim for the augmentation thereof, and shall also state every Benefice in which it shall appear to the said Commissioners to be expedient that a Glebe House should be built, or a Church or Chapel should be built or enlarged, and the sum of money which would be required for such purpose, and shall make such further recommendations relating to the matters into which they are hereinbefore directed to inquire with respect to every or any of the Benefices mentioned in such Report as may appear to them requisite for insuring for all time to come the due and effectual discharge of spiritual duties within the same.

XLII. *Like Inquiries and Report as to Benefices above the value of*

And be it further Enacted, That on the next vacancy after the passing of this Act of any Benefice in Ireland of which the net annual income shall exceed Five hundred Pounds, or in which the

Protestant

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Protestant Population shall not exceed One hundred Persons, the said Ecclesiastical Commissioners shall inquire into all the circumstances of such Benefice respectively, and shall ascertain, consider and report to the Lord Lieutenant in Council respecting the same, in like manner as they are hereinbefore required to inquire, ascertain, consider and report with respect to Benefices comprising within them any city or town or part thereof, and other Benefice hereinbefore mentioned: Provided always, That in conducting such Inquiry and making such Report in pursuance of this present provision, the Bishop of the Diocese in which such Benefice shall be locally situated shall be associated with the said Ecclesiastical Commissioners, and shall (but for those purposes only) be an Ecclesiastical Commissioner, and have to all intents and purposes the same powers and authorities as if he had been appointed an Ecclesiastical Commissioner by the said Act of the third and fourth years of the reign of His present Majesty: Provided also, That the Ecclesiastical Commissioners shall and they are hereby required to consider and state in every such last-mentioned report whether any alteration of the limits or extent of such Benefice respectively be proper to be made, and if they shall recommend any alteration to be made, whether the Benefice should be divided into Two or more Benefices, or the whole or any part thereof united to any and what adjoining Benefice or Benefices, and by what name any new Benefice should be called; and if it appear to the said Ecclesiastical Commissioners proper that such Benefice respectively shall remain unaltered according to its existing limits and extent, they shall further recommend whether any and what reduction of the net annual income thereof be proper to be made, and if they shall recommend any division or alteration of the limits and extent of such Benefice respectively, they shall recommend the proportion of the net annual income of such Benefice proper severally for the Incumbents of each of the Benefices to be created by such division or of each of the Benefices to be altered.

500 *l. and with a Protestant Population not exceeding* 100.

XLIII.

Lord Lieutenant in Council may refer back Reports to the Commissioners for Re-consideration, and make Orders thereon when fully approved.

And be it further Enacted, That it shall be lawful for the Lord Lieutenant in Council to refer back to the said Ecclesiastical Commissioners any report to be made by them in pursuance of this Act, for the further consideration of the said Commissioners, and to require from them a statement of their reasons for the recommendations therein contained, or any of them; and it shall be lawful for the said Commissioners, if they shall think proper, to amend and alter any part or parts of any such report; and in case and so soon as any original or amended report of the said Ecclesiastical Commissioners shall be approved of by the Lord Lieutenant in Council, the said Lord Lieutenant in Council shall make an Order for confirming the same; and the Order of the said Lord Lieutenant in Council, upon all such matters and all other matters contained in the recommen-

dation and report of the said Ecclesiastical Commissioners, shall be conclusive and binding in law, as well in respect of His Majesty as all other persons affected thereby; and a copy or copies of such Order, certified under the hand of the Clerk of the said Council, with such maps or charts annexed thereto as may be necessary, shall be transmitted to the Bishop of the Diocese or Bishops of the Dioceses within which the Benefice or Benefices to which Order may relate shall be situate, and shall be entered in the Registry of each such Diocese, for which entry the sum of Thirteen Shillings and Four-pence and no more shall be paid to the Registrar, and shall also be enrolled in the Rolls Office of the Court of Chancery in Ireland, for which enrolment the sum of Thirteen Shillings and Four-pence and no more shall be paid, over and above the expenses usually paid to the Engrossing Clerk for the same; and another copy of such Order, with such maps and plans as aforesaid annexed thereto, shall be transmitted to the said Ecclesiastical Commissioners, to be by them kept and preserved in their office.

XLIV.
Lord Lieutenant empowered to make a supplemental Order for removing doubts or settling disputes.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant in Council, *on the recommendation of the said Ecclesiastical Commissioners*, from time to time, as occasion may require, to make any supplemental Order or Orders for removing such doubts and settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained for uniting or dissevering Benefices, and for altering (¹) *limits and extents thereof*; and every such supplemental Order shall have the same force and effect as if it had formed part of any original Order made under the provisions of this Act. 92

XLV.
The Benefice not to be increased to the extent of more than Thirty Square Miles, nor the increase of any Benefice reduced below 300 l. per annum.

Provided always, and be it further Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the Lord Lieutenant in Council to order, the union of any Benefices, or the annexation to any Benefice of any part or parts of any adjoining Benefice, if the whole of the Benefice so united or so augmented shall exceed Thirty Square Miles of statute measure; and it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the said Lord Lieutenant in Council to order, any augmentation of the income of any Benefice not comprising within it a city or town, or part thereof, the net annual value whereof shall, including the value of the Glebe, exceed Three hundred Pounds, nor to reduce the income of any Benefice not subject to reduction under the provisions of this Act or of the said Act passed in

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(¹) the Boundaries of contiguous parishes;

in the third and fourth year of the reign of His present Majesty, nor to reduce the net annual income of any Benefice the net annual value of which, including the Glebe, shall not exceed Three hundred Pounds.

XLVI.
Benefices of which the Advowsons belong to Trinity College or private Patrons not to be altered (otherwise than by Division) without consent.

Provided always, and be it further Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the Lord Lieutenant in Council to order, the reduction of the net annual income of any Benefice, nor the union thereof to any other Benefice, nor any alteration of the limits and extent of any Benefice, the right of appointment to which shall belong to the College of the Holy and Undivided Trinity, near Dublin, or to any person, other than the King or any Ecclesiastical Corporation sole or aggregate, without the consent of the Patron or Patrons thereof signified in writing under their or his seal: Provided always, That nothing herein contained shall prevent the division of any such Benefice into Two or more Benefices without the consent of the said Patron or Patrons, provided that the whole amount of income assigned to the several Incumbents of the Benefices so formed by division of such Benefice be not less in amount than the net annual value of the Benefice previous to such division.

XLVII.
Guardians, Committees, &c. of Patrons may consent.

And be it further Enacted, That whenever any Patron of any Benefice shall happen to be a minor, idiot, lunatic or feme covert, it shall be lawful for the guardian, committee or husband of such Patron to consent to such reduction, union or alteration as aforesaid for such Patron, and to certify his, her or their consent under his, her or their hand and seal or hands and seals for such Patron, who shall be bound thereby in such manner, and the same shall be as valid and effectual, as if such Patron had been of full age or sound mind, or feme sole, and signified such consent as aforesaid.

XLVIII.
Alterations of Benefices to be made as directed by the 3 & 4 W. 4. c. 37. with respect to the alteration of Parishes thereby authorized.

And be it further Enacted, That when any report of the said Ecclesiastical Commissioners, recommending the division or augmentation of any Benefice, shall have been confirmed by the Lord Lieutenant in Council in pursuance of this Act, the said Commissioners, with the consent of the said Lord Lieutenant in Council, shall divide, separate and annex and unite the Lands which shall form part thereof, and the Glebe belonging thereto, and the rents and sums payable by the Incumbents thereof, and shall ascertain, set out and describe the Lands thereof in like manner as by the said Act of the third and fourth years of the reign of His said present Majesty is directed with respect to the parishes thereby directed to be divided and augmented, with the consents therein mentioned; and the enactments and provisions contained in the said Act relating thereto shall extend and be applied to the divisions and augmentations hereby authorized to be *made as if the same were here repeated and adapted to the purposes of this Act.*

XLIX.
The alteration of the Boundaries of Benefice may be delayed, until avoidance of any neighbouring Benefice.

Provided, and be it Enacted, That if (1) it shall seem convenient to the said Ecclesiastical (2) *Commissioners,* that such alterations as they may deem proper, *with respect to any Benefice on which they may report as aforesaid to the Lord Lieutenant,* should not take effect until the avoidance of some other (3) *Benefice,* they shall make a recommendation to that effect to the said Lord Lieutenant in Council, and Order shall be made accordingly, and an Incumbent appointed to (4) *either* Benefice (5) who shall hold the same subject to such arrangements in respect of income, (6) *extent and limits,* duties, and all other matters as shall be expressed in such Order or such (7) *supplemental* Order as shall be made in respect thereof.

(8)

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(1) upon the vacancy of any Church (2) Committee
(3) Church, (4) the (5) so vacant,
(6) Boundaries, (7) further.

54.
The Incomes of future Incumbents regulated.

(8) And be it Enacted, That the extent of Glebe Land to be annexed
to any Benefice under the provisions hereinbefore contained shall
not exceed Thirty Statute Acres, and that the incomes to be assigned
to the Incumbents of Benefices under the provisions hereinbefore
contained shall be regulated in manner following; that is to say,
in case it shall appear by the before-mentioned Report, or by the
Returns or other documents or evidence upon which such Report
shall have been framed, that the number of the members of the 93
Established Church in any Benefice now existing, or which may be
formed as aforesaid, does not exceed Fifty, the annual income to be
assigned to the Incumbent of such Benefice shall not exceed One
hundred Pounds, exclusive of the value of any Glebe Lands annexed
thereunto by any such Order as aforesaid; and in case it shall appear
by such Report or Returns, or other documents or evidence, that the
number of the members of the said Established Church, in any such
Benefice, does exceed Fifty, but does not exceed Five hundred, the
annual income to be assigned to the Incumbent thereof shall not
exceed Two hundred Pounds, nor be less than One hundred and fifty
Pounds, exclusive of the value of any Glebe Lands annexed thereunto
as aforesaid; and in case it shall appear by such Report or Returns,
or other documents or evidence, that the number of the members
of the said Established Church in any such Benefice does exceed
Five hundred but does not exceed One thousand, the annual income
to be assigned to the Incumbent thereof shall not exceed Three
hundred Pounds nor be less than Two hundred and fifty Pounds,
exclusive of the value of any Glebe Lands annexed thereunto 94
as aforesaid; and in case it shall appear by such Report or Returns,
or

L.
Order of Lord Lieutenant shall take effect at the periods expressed therein.

And be it Enacted, That every (1) Order made by the said Lord Lieutenant in Council under the provisions of this Act shall take effect in its several parts from such period or periods respectively as may be expressed in such Order, and the Incumbent of any Benefice to which any vacant Benefice or part thereof shall be by such order united shall, by force of such Order and according
96 to the terms thereof, without further appointment, be and become ipso facto from the period named in such Order in that behalf the Incumbent of such newly-erected Benefice, and seised and possessed thereof as of one complete and entire Benefice, by the name or designation which may be assigned to the same by such Order, and shall enter upon and be charged with the cure of

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or other documents or evidence, that the number of the members of the said Established Church in any such Benefice does exceed One thousand but does not exceed Three thousand, the annual income to be assigned to the Incumbent thereof shall not exceed Four hundred Pounds nor be less than Three hundred Pounds, exclusive of the value of any Glebe Lands annexed thereunto as aforesaid; and that in no case whatsoever shall the annual income assigned to the Incumbent of any Benefice exceed Five hundred Pounds, exclusive of the value of any Glebe Lands annexed as aforesaid to such Benefice, unless the same be situate in a city or town: Provided always, That in case it shall appear by the said Report or Returns, or other documents or evidence, that the number of the members of the Established Church in any Benefice exceeds One thousand, it shall be lawful for the said Lord Lieutenant in Council, upon the recommendation of the said Ecclesiastical Committee, to direct the appointment of One or more Curates, as he or they shall think necessary,
95 regard being had to the extent of the ecclesiastical duties to be performed in such Benefice, and shall assign to each such Curate a stipend of One hundred Pounds per annum, whereof Seventy-five Pounds shall be payable by warrant of the said Ecclesiastical Commissioners, addressed to the said Commissioners of Land Revenues in manner hereinbefore provided, and the remaining Twenty-five Pounds payable by and recoverable from the Incumbent of such Benefice, in like manner as the stipend or salary of any Curate is now by law payable and recoverable, and each such Curate shall be nominated by the Incumbent, and licensed by the Ordinary accordingly, and shall be bound to the performance of ecclesiastical duties within such Benefice, and be subject to removal in the same manner and with the same right of appeal as any stipendiary Curate under the laws now in force.

(1) such

Proviso as to payment to continuing Incumbent.

of souls *therein:* Provided nevertheless, That where upon occasion of the avoidance of any Church as aforesaid any parish or parishes shall be by any such Order as aforesaid united in whole or in part to any other parish or union, such Order shall not take effect in so far as respects the income assigned to the Incumbent of any new Benefice so formed until the next avoidance thereof, unless with the consent in writing of the person so becoming, by virtue of such Order, Incumbent of such new Benefice ;(¹)

(²) *And*

(¹) and in the meantime it shall be lawful for the said Lord Lieutenant either to authorize and direct the payment to such Incumbent of such annual allowance, not exceeding One hundred Pounds, as he may think fit, in consideration of the additional duty devolving upon him by reason of such union, or to authorize 97 and direct a Curate to be appointed during his Incumbency in such newly-erected Benefice, and an annual stipend to be paid during such Incumbency to such Curate, not exceeding One hundred Pounds, and such Curate shall be nominated and licensed by the Ordinary accordingly, and shall be bound to the performance of ecclesiastical duties within such newly-erected Benefice, and be subject to removal in the same manner and with the same right of appeal as any stipendiary Curate under the laws now in force.

56.
Augmented Income not to be payable until the Funds in the hands of the Commissioners of Land Revenues shall be adequate.

(²) AND whereas by the operation of the hereinbefore contained provisions the incomes of the Incumbents of Benefices will be in certain cases augmented, and the funds accruing to the Commissioners of Land Revenues under this Act may not be immediately adequate to the payment of such augmented incomes, in addition to the other charges payable out of such funds; BE it therefore further Enacted, That if the effect of any such Order as aforesaid shall be to augment the gross charge upon the funds accruing to the said Commissioners of Land Revenues as aforesaid, it shall and may be lawful for the said Lord Lieutenant in Council, by the same 98 or any supplemental Order or Orders, to limit and fix from time to time, with reference to the annual amount of the funds so accruing to the said Commissioners of Land Revenues and the charges thereupon, the amount of income to be paid to the Incumbent of any Benefice mentioned in such Order, until such funds shall become adequate to the payment of the full amount of income assigned to such Incumbent by such Order; and the said Commissioners of Land Revenues shall at all times, when and as required by the said Lord Lieutenant in Council, certify the amount of their annual receipts and disbursements under this Act, for the purpose of enabling the said Lord Lieutenant in Council to make such Order as aforesaid.

LI.
When the Fund is sufficient, Sums may be applied in augmentation of Livings.

And be it further Enacted, That the Ecclesiastical Commissioners shall from time to time, as the state of the separate fund hereinafter placed at their disposal shall admit, report to the Lord Lieutenant in Council the particular Benefice or Benefices specified in one of the Reports hereinbefore required to be made to the Lord Lieutenant in Council to which they recommend that an augmentation should be made, and shall specify the total amount of augmentation which they consider desirable, and the proportion thereof which they recommend to be at the time assigned to any or every such Benefice, and it shall be lawful for the said Lord Lieutenant in Council thereupon to issue an order for such augmentation, and for the assignment to the Benefice of the proportion thereof, recommended by the said Commissioners: Provided always, That if the whole of the augmentation be not at the time assigned to such Benefice, it shall be lawful for the Lord Lieutenant in Council to make from time to time such further orders, on the recommendations of the said Ecclesiastical Commissioners, as may be requisite for assigning to the said Benefice the remaining portions of the proposed augmentation; and from and after the date of each such order the augmentation therein ordered to be made to the annual income of the Benefice shall be deemed part of the annual income thereof, and shall be thenceforth paid to the Incumbent thereof in the manner and under the regulations hereinbefore contained.

LII.
Money may be applied out of Fund in building Glebe House or Church or Chapel.

And be it further Enacted, That in every case in which a Report of the said Ecclesiastical Commissioners, recommending a Glebe House to be built, or a Church or Chapel to be built or enlarged in any Benefice, shall have been confirmed by an order of the Lord Lieutenant in Council in pursuance of this Act, and it shall appear to the said Commissioners to be expedient that the sum of money necessary for that purpose should be applied out of the said separate fund, in preference to the augmentation of the income of any Benefice, they shall, by a report to the said Lord Lieutenant in Council, recommend that such sum shall be applied accordingly, and it shall be lawful for the said Lord Lieutenant in Council thereupon to issue an order for such payment, and the Ecclesiastical Commissioners shall thereupon apply so much of the separate fund as may be specified in such order to the building of such Glebe House, or to the building or enlarging such Church or Chapel, as the case may be.

LIII.
Ecclesiastical Commissioners, with consent of Lord Lieutenant in Council, may divide Benefices exceeding Forty Square Miles, or where, not being in a

And be it further Enacted, That it shall be lawful for the said Ecclesiastical Commissioners, with the consent of the Lord Lieutenant in Council, and without any other consent, to divide any Benefice the extent whereof exceeds Forty Square Miles, or in which (not being a Benefice comprising a city or town or any part thereof) the Protestant population shall exceed One thousand persons, into Two or more Benefices, in like manner as by the said Act of the third and fourth years of the reign

Town, there are 1,000 Protestants.

reign of His said present Majesty they are authorized, with the consent of the said Lord Lieutenant in Council and of the Archbishop or Bishop of the Diocese, and of the Patron or Patrons, to divide any parish and annex part thereof to any adjoining parish or parishes; and the enactment and provisions contained in the said Act relating thereto shall extend and be applied to the divisions hereby authorized to be made, as if the same were repeated and adapted to the purposes of this Act.

LIV.
Parishes altered under this Act deemed single Parishes, but not to affect secular Rates, &c.

And be it Enacted, That when any (1) *Benefice or Benefices,* or part or parts thereof, shall be united under the provisions of this Act to any other (2) *Benefice, or any new Benefice or Benefices shall be erected by the division of a Benefice,* the Incumbent of such *augmented or* newly-erected Benefice, and the parishioners and inhabitants thereof, shall proceed to the election of Churchwardens and other 99
parochial officers, in such time and manner as the said Lord Lieutenant in Council shall direct: Provided always, That no such union or alteration of the Boundaries of any (3) *Benefice* shall in any way affect the secular rates, taxes, charges, duties or privileges of (4) *any* parishes or any part of them, otherwise than may be expressed in the order effecting (5) *the* union or alteration *of such Benefice.*

LV.
Incumbents of Benefices formed under this Act to be Vicars.

And be it Enacted, That every new Benefice formed under the provisions of this Act, when such Benefice shall become complete, and until it shall become complete then so far as the recommendation as the said Ecclesiastical (6) *Commissioners* and the Order made thereupon shall have taken effect, shall be deemed a Rectory (7) *or perpetual Curacy,* as may be expressed in such Order, and the Spiritual Person collated thereto and serving the same shall be the Rector or Vicar, *or Curate* thereof, and shall have such tenure and estate in his Benefice, and shall be subject to such jurisdiction of the diocesan or other jurisdiction, and to such laws as to holding Benefices as are applicable to Rectors or Vicars *or Curates* in Ireland, and shall have such rights and privileges and be subject to the obligation of such duties within his Benefice as Rectors or Vicars

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(1) parish or parishes,

(2) parish or parishes, or part or parts thereof, or the Boundaries of any parish altered for the purpose of forming a new Benefice, all such parishes or parts of parishes so united or altered shall be for the purposes of this Act deemed and taken to be single parishes and

(3) parish (4) such (5) such (6) Committee

(7) or Vicarage,

or Curates shall from time to time have or be subject to within their respective parishes.

LVI.
Lord Lieutenant in Council shall determine to what Diocese new Benefices, &c. shall belong.
Churches, &c. annexed to Benefices deemed to be within the same wherever situate.

And be it Enacted, That if any newly-erected Benefice shall comprise parishes or parts of parishes locally situate in different Dioceses, it shall be lawful for the said Lord Lieutenant in Council, by such Order as aforesaid, to determine and direct to which of such Dioceses such newly-erected Benefice shall belong; and in case by any such Order as aforesaid any Church or Glebe House or Offices shall be appropriated to any Benefice, the same shall for all purposes expressed in such Order be deemed to be within such Benefice, although such Church or Glebe House and Offices may be locally situate within any other Parish or Benefice.
(1)

AND

60.
Boundaries of Benefices and Incomes of Incumbents may be regulated from time to time.

[1] And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners from time to time, as they may think necessary, upon the Church of any Parish or Union becoming vacant at any time hereafter in any manner whatsoever, whether the same may be an ancient Parish or Union, or at any time formed under the provisions of this Act or by virtue of any law now in force in Ireland, to report to the said Lord Lieutenant on the then state and circumstances thereof, who shall refer such Report to the said Ecclesiastical Committee, and they shall in like manner, as upon the first avoidance of any Church after the passing of this Act, consider whether any alteration may be or have become proper in respect of the Boundaries of such Benefice, or of the income of the future Incumbent, or of the extent of Glebe Lands annexed to such Benefice, and shall make such recommendation and report in the premises as they shall think proper, subject nevertheless to the like regulations as have been hereinbefore prescribed in respect of the arrangements to be made upon the first avoidance of any Church after the passing of this Act; and the said Lord Lieutenant in Council shall make an Order in pursuance thereof, and shall therein have and exercise all such powers and authorities, subject to the like rules and regulations as are hereinbefore mentioned in respect of any Report, Recommendation or Order concerning Benefices first becoming vacant after the passing of this Act; and such subsequent Order shall operate as a revocation to the extent therein expressed of any former Order, and shall be of the like force and effect as such Order would have been if not so revoked; and such subsequent Order shall be registered and enrolled, and copies thereof made, attested and transmitted, in like manner as have been hereinbefore provided in respect of any Order made on the first avoidance of any Church after the passing of this Act.

LVII.
Impropriators liable to provide Curates, shall after Union contribute rateably.

AND whereas in some impropriate parishes the impropriators or possessors of the Tithes of such parishes are obliged by law to find a Curate to serve the cure of the said parishes; BE it therefore Enacted, That in case such parishes so appropriate or impropriate shall be divided or united, in whole or part, by virtue of the hereinbefore contained provisions, to any other parish or parishes, such impropriator or possessor shall be liable to make such provision or pay such contribution towards or for the maintenance and support of the Curate or Minister of such divided or united parishes as shall be settled and adjusted by the said Lord Lieutenant in Council, and specified in such Order or Orders as hereinbefore mentioned, for settling and adjusting all matters and things proper or necessary to be settled and adjusted in consequence of the changes directed to be made by such Order or Orders; provided that no greater charge in the whole shall be imposed upon any such impropriator or possessor than he may have been by law previously liable to. 103

(1) *And*

62.
Commissioners to pay off Charges of Benefices.

(1) And be it Enacted, That in case the said Lord Lieutenant in Council shall by any such Order as aforesaid so direct, the said Ecclesiastical Commissioners shall, by such instalments, to be made in such manner and at such periods, from and after such vacancy of the Church of each parish or union in respect whereof such direction shall be given, as any Incumbent succeeding thereto would have been bound or liable if this Act had not been made, pay to and satisfy the Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have been occasioned, all and every such sums of money as by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors, if this Act had not been made; and such successors are in every such case hereby exonerated and discharged from all liability thereto.

63.
Commissioners may recover sums due to successors in Benefices;

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, in every case where they may have 104 been directed to make such payment as aforesaid to any Incumbent, his executors or administrators, to recover from such Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have occurred, all and every such sums of money as the successor of such Incumbent (if such Order had not been made) could have recovered by force of any law or statute, for or on account of dilapidations, and such Incumbent is in every such case hereby discharged

LVIII.

And be it Enacted, That upon any vacancy of a Benefice of which the net annual Income shall be reduced, or which shall be divided under the provisions of this Act, such proportion only shall be payable to or recoverable by the Incumbent or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have been occasioned from or against his successors of every or any sum of money which by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors, if this Act had not been made, as the net annual income of such Benefice when reduced or divided shall bear to the net annual income thereof at the time of such vacancy, and such proportion shall be ascertained and assessed by the said Ecclesiastical Commissioners, and the residue of every or any such sum of money shall be paid by the said Ecclesiastical Commissioners out of the separate fund hereinafter mentioned, and such proportion as aforesaid, and also the residue of every or any such sum of money shall be paid respectively by such instalments at such periods and in such manner as any Incumbent succeeding to such Benefice would have been bound or liable to pay the whole thereof if this Act had not been made, and every such successor is in every such case hereby exonerated and discharged from all liability to pay more than such proportion as aforesaid of every or any such sum of money.

LIX. Benefices becoming vacant after the passing of this Act not to be filled without notice.

And be it Enacted, That whenever (1) any (2) *Benefice of which the net annual income shall exceed Five hundred Pounds, or in which the Protestant population shall not exceed One hundred persons,* shall at

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and also for dilapidation.

charged and exonerated from and against all and every such claim on the part of any such successor; and that the said Commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successors of such Incumbent could or might have used if this Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any money which they may be liable under the provisions hereof to pay any such Incumbent, his executors or administrators, such sums as shall be respectively payable by or recoverable from such Incumbent, his executors or administrators, for or on account of such dilapidations, in like manner as the successors of any such Incumbent might have deducted the same under any law or statute if this Act had not been passed; and any surplus which may arise by such means in the hands of the said Ecclesiastical Commissioners shall be paid over to the said Commissioners of Land Revenues.

(1) the Church of (2) Parish or Union

at any time after the passing of this Act become vacant, in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such (1) *Benefice*, until the expiration of Two calender Months after notice in writing of such vacancy shall have been given to the said Ecclesiastical Commissioners by the Corporation or person having the patronage thereof or right of appointment thereto, and any appointment which shall be made without such notice previously given shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant (2) *in* Council may and are hereby required to exercise all the powers hereby vested in them in relation thereto in such manner as if (3) such (4) *Benefice* were vacant. 106

LX.
Persons hereafter appointed to Benefices to hold the same subject to the Provisions of this Act.

And be it further Enacted, That every person who shall be appointed to any Benefice in Ireland at any time after the passing of this Act shall take and hold the same, and all property, rights and privileges thereunto belonging, subject to and under such alterations or provisions as shall or may at any time be made under the provisions of this Act, with respect to the extent or (5) *limits* of such Benefice, or with respect to the amount, disposition and application of the property or income thereof: Provided always, That in the meantime and until any such provisions and regulations shall have been so made as aforesaid, and subject and without prejudice to any provisions and regulations which for the time being shall have been so made, such Incumbent shall and may have and exercise all the same powers and privileges as if this Act had not been passed.

LXI.
The Ecclesiastical Commissioners shall compensate the Owners of Advowsons coming under the operation of this Act, unless such Advowsons belong to the King or Ecclesiastical Corporations.

And be it Enacted, That *in order to enable the said Ecclesiastical Commissioners to obtain the consent of the Patron of any Benefice, other than the King or any Ecclesiastical Corporation, to a reduction of the income thereof, or to the union thereof to any other Benefice, or to an alteration of the limits and extent thereof, it shall be lawful for the Lord Lieutenant in Council*, where the right of appointment to any Benefice, or any turn therein, shall belong to the College of the Holy and Undivided Trinity near Dublin, or to any person other than the King, or any Ecclesiastical Corporation, sole or aggregate, and such Benefice shall be reduced in value, (6) under the powers hereinbefore contained, (7) *to* direct 107

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(1) Parish or Union, (2) and (3) boundaries

(4) the Church of (5) Parish or Union

(6) or the whole or any part thereof united to any other Benefice,

(7) the said Lord Lieutenant in Council shall cause compensation

direct that some Benefice in the gift of His Majesty, or turn therein, shall be assigned to the said College or person by way of compensation or *in lieu of or as an* equivalent; and the advowson and right of presentation to such Benefice so assigned, or
109 turn therein, shall by force of such order vest in the said College or person in like manner to all intents and purposes, and subject to the like uses, trusts and limitations, if any, as the advowson and right of presentation to the said Benefice so reduced *in value*, or united in whole or part to another Benefice, may have been held for or under, *or in case of the union of the whole or any part of such Benefice to another Benefice, and if the income assigned to the Incumbent of such newly-erected Benefice shall exceed the value of the Benefice to which such addition shall be made, it shall be lawful for the said Lord Lieutenant and Council in whole or part of*

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tion to be made to the party having such right of appointment or turn therein by the payment of such sum of money as he and they shall think fit for the diminution of the annual value of such Benefice, or for the absolute purchase of such advowson or turn therein (so that such sum of money shall in no case exceed Twelve Years' purchase of the annual value of such Benefice, or of the annual sum by which the annual value thereof shall be reduced): Provided always, That in case of the union of the whole or any part of such Benefice to another Benefice, and if the income assigned to the Incumbent of such newly-erected Benefice shall exceed the value of the Benefice to which such addition shall be made, it shall be lawful for the said Lord Lieutenant and Council, in whole or part of such compensation, to award to the person having the right of appointment or turn in such right of appointment to the Benefice so united in whole or part to such other Benefice
108 such turn or turns in the right of appointment to such newly-erected Benefice as may appear just, regard being had to the relative value of the several Benefices or parts thereof constituting such newly-erected Benefice, and shall have power and authority for such purpose to regulate the right of appointment to each such newly-erected Benefice, and the course and succession in which the Patrons thereof shall present thereto: Provided that if any Benefice shall be united in whole or part to any other Benefice, or the income thereof reduced, under the provisions of this Act, the said Lord Lieutenant in Council shall, in all cases where the advowson thereof may belong to the said College of the Holy and Undivided Trinity, and in such other cases as they may in their discretion think proper, where the advowson thereof may belong to any person except any Ecclesiastical Corporation, sole or aggregate, instead of paying any sum of money as aforesaid,

of such compensation to award to the person having the right of appointment or turn in such right of appointment to the Benefice so united in whole or part to such other Benefice, such turn or turns in the right of appointment to such newly-erected Benefice as may appear just, regard being had to the relative value of the several Benefices or parts thereof constituting such newly-erected Benefice, and shall have power and authority for such purpose to regulate the right of appointment to each such newly-erected Benefice, and the course and succession in which the Patrons thereof shall present thereto.

(1)

LXI. Advowsons purchased shall vest in His Majesty.

And be it Enacted, That the advowson or right of presentation to such Benefices (2) in lieu whereof any Benefice in the gift of His Majesty shall have been so assigned as aforesaid, shall vest in and be exercised by His Majesty.

LXII. Lord Lieutenant, &c. may require Compensation from Patrons of augmented Benefices.

And be it further Enacted, That where the value of any Benefice shall be augmented under the provisions of this Act, and the right of appointment thereto or any turn therein shall belong to any person (other than the King or any Ecclesiastical Corporation, sole or aggregate), it shall be lawful for the said Lord Lieutenant in Council to direct and require the Patron or Patrons of such augmented Benefice to pay to the said Commissioners of Land Revenues such sum of money as he and they may think just in consideration of

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67. Application of money where owners under disability.

(1) And be it Enacted, That when any such advowson or turn of presentation shall belong to any infant, feme covert, lunatic or person under any disability, or when any doubt or difficulty may arise as to the person entitled thereto, the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the money payable for such advowson or turn, or as a compensation for the reduction of the value thereof, to the Accountant General of the Court of Chancery, who shall receive payment thereof, and the monies paid thereon shall be placed to his credit ex parte the person entitled thereto, to the intent that such money shall be applied, under the order and direction of the said Court (to be signified by an order to be made in a summary manner upon a petition to be preferred by the party entitled thereto), to the use of such party, or to be applied upon the same uses, trusts and limitations, and subject to the same powers, conditions, charges, and incumbrances as the said advowson or right of presentation or turn therein was vested in, settled upon or subject to, or as near thereto as the nature of the case may admit. 110

(2) the value of the advowsons whereof or right of presentation whereto or turns wherein shall be so paid by the said Ecclesiastical Commissioners, or

of such augmentation; and in default of payment of such sum of
money within Six calendar Months after demand thereof, by notice
111 in writing, shall have been made and served upon such Patron or
Patrons, (1) *the rights of a turn in the presentation to such Benefice shall vest in and be exercised by His Majesty, and it shall be lawful for the said Lord Lieutenant in Council to fix by any order the number of turns which shall thereafter belong to His Majesty and to the said Patron or Patrons respectively, having due regard to the proportion which the augmentation may bear to the net annual value of the Benefice previous to such augmentation.*

LXIV.
Sums payable under the hereinbefore contained Provisions shall be paid by Warrant addressed to Commissioners of Land Revenues.

And be it Enacted, That all such sums of money as shall become payable under the provisions hereinbefore contained (2) to any Incumbent, or his executors or administrators, by whose promotion, removal, resignation or death any (3) *Benefice* may become vacant, by the said Ecclesiastical Commissioners, in the place and stead of any Incumbent succeeding thereto, shall be paid by Warrant addressed to the said Commissioners of Land Revenues, to be made in like manner and form as hereinbefore provided in respect of the Warrants for the payment of the annual incomes payable to
Incumbents under the provisions hereinbefore contained: Provided
112 always, That the sums expressed in the Warrants issued (4) for the payment of such sums as may be payable by the said Ecclesiastical Commissioners, instead of the successors in and to any Benefice, shall be paid and payable on demand, immediately after the making and delivery thereof.

(5)

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(1) the said sum of money shall be and become a charge or lien on such advowson, or on the inheritance of the same, and be paid and payable to the said Commissioners of Land Revenues, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

(2) as and for the purchase of advowsons, or as and for compensation to be made to the owners thereof, and all such sums as may become payable

(3) Church

(4) for the payment of such purchase or compensation money, or

71.
When a Benefice shall become vacant after passing of this Act, the Glebe House and Lands belonging thereto shall vest in the King for the purposes of this Act.

(5) And be it Enacted, That when and as the Church of each Parish or Union shall, at any time after the passing of this Act, become vacant, the Glebe House, Offices, and all and every the Lands and Hereditaments thereunto annexed or belonging, and the rents, profits and emoluments thereof from the time such Church shall become void, shall be transferred to and vested in His Majesty, His heirs and successors, subject, however, to all charges, leases, rents and incumbrances now or at the time of such transfer legally affecting

the same, and shall be until the First day of November One thousand eight hundred and Forty-three, and afterwards until Parliament shall otherwise direct, under the management of the said Commissioners of Land Revenues; and the rents, issues and profits thereof shall be applied to the like purposes as the produce of the 113
Rent-charges by this Act granted to His Majesty, but subject nevertheless to the provisions hereinafter contained.

72.
Commissioners of Land Revenues shall annex such portions of Glebe to any Benefice as Order of Lord Lieutenant in Council shall direct.

And be it Enacted, That when and as it shall be signified to the said Commissioners of Land Revenues by any such Order of the said Lord Lieutenant in Council as hereinbefore mentioned, that any Lands are to be annexed as Glebe to any Benefice, the said Commissioners shall assign such portion of the Glebe Lands, if any, heretofore belonging to such Benefice, as may be specified in such Order, to the Incumbent thereof, to be annexed to such Benefice as Glebe, free from the payment of rent; but if there shall be no such ancient Glebe Lands belonging to such Benefice, or not a sufficient extent thereof, or that the same shall not be conveniently situated for the enjoyment of the Incumbent thereof, the said Commissioners of Land Revenues shall treat for and purchase such extent of Land as may be specified in such Order, or so much additional Land as may be necessary, so soon as the same can be conveniently obtained, to be assigned to the Incumbent of such Benefice as Glebe, free from the payment of rent, and shall in the meantime and until such 114
purchase can be effected assign to such Incumbent, free from the payment of rent, an equivalent portion of the Glebe Lands vested in them under this Act.

73.
Such Commissioners may sell or exchange such Glebe Lands as may not be required for purposes of this Act.

And be it Enacted, That for the purpose of enabling the said Commissioners of Land Revenues to carry into effect the purposes aforesaid, it shall and may be lawful for them absolutely to sell and convey the fee simple and inheritance of and in any Glebe Lands which may become vested in His Majesty as aforesaid, or any part thereof, and which shall not be assigned to the Incumbent of any Benefice as Glebe, either for the best price that can be obtained for the same, or in exchange for Lands more conveniently situate, and in case of any such exchange, to accept or take in exchange such other Lands in lieu of and in exchange for the Lands so conveyed; which Lands so purchased or received in exchange, as the case may be, shall be vested in His Majesty, and under the management of the said Commissioners for like purposes as the Glebe Lands so vesting in His Majesty under the provisions of this Act; and it shall be 115
lawful for the said Commissioners, in case of any such exchange, to pay or receive such sum of money as shall be mutually agreed upon for equality of exchange; and all such sales and exchanges shall be made

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LXV.
Application of monies arising under this Act.

And be it Enacted, That the annual income arising from the said Rent-charges (1) and (2) other funds accruing to the said Commissioners of Land Revenues, under the provisions of this Act, 117 shall be applied in the manner following; that is to say, in the first place, in the payment of the costs, charges and expenses attendant on the collection and management thereof, and the other costs and expenses of carrying this Act into execution; and in the second place, in the payment of all such sums of money as shall under the provisions of this Act become payable, by *any* warrant *of the Ecclesiastical Commissioners* as aforesaid, (3) and in the third place, in

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made under the like regulations as are by law prescribed in respect of sales and exchanges for Lands forming part of the Hereditary Revenues of the Crown, and under the management of such Commissioners.

74.
Commissioners of Land Revenues shall appropriate Glebe House to use of Incumbent, if Order of Lord Lieutenant shall so direct; but if such Order shall not so direct, may sell or demise the same.

And be it Enacted, That in case by any such Order as aforesaid of the said Lord Lieutenant in Council any Glebe House and Offices so vesting in His Majesty under the provisions aforesaid shall be appropriated to the use of the Incumbent of any Benefice, the said Commissioners shall assign the same to such Incumbent, to be annexed to such Benefice, as the Glebe House and Offices thereof; but in case such Glebe House and Offices shall not be by such Order 116 appropriated to such purpose, it shall be lawful for the said Commissioners to demise such Glebe House and Offices for any term of lives or years, or lives and years, with a covenant to make void the said demise in case of assigning or sub-letting without license, and for such rent or fine as they shall think proper.

75.
Assignments of Commissioners of Land Revenues to be by Deed;

And be it Enacted, That every Assignment of any Glebe House and Offices or Glebe Lands to any Benefice which shall take place under the provisions of this Act shall be made by some deed or instrument under the hands and seals of the said Commissioners of Land Revenues, with such maps or charts annexed thereto as may be necessary; and such deed or instrument shall be enrolled in the registry of the Diocese to which Benefice shall belong, for which entry the sum of Thirteen Shillings and Four-pence, and no more, shall be paid.

such Deed to be enrolled in Registry of Diocese.

(1) and Glebe Houses and Lands, (2) all

(3) to persons who would if this Act had not been made have been or be from time to time entitled to the receipt of Compositions for Tithes, or to Incumbents or Curates to whom incomes or stipends may be assigned under the provisions hereinbefore contained;

in the payment of all such sums as may be necessary (1) to pay off the charges upon Benefices, (2) and the residue of such monies from 118 time to time accruing in each year to the credit of the said Commissioners shall be paid, (3) *to* the (4) *said Ecclesiastical* Commissioners (5) *at such times as they shall by their warrant direct, and shall form a separate fund which shall be applicable under the direction of the said Ecclesiastical Commissioners to the building of Glebe Houses, and to the building and enlarging of Churches or Chapels, and to the augmentation of Benefices as authorized by the provisions of this Act.*

LXVI.
Arrears of Instalments of certain

(6)
AND whereas certain sums of money are now due and owing to 120 the said Ecclesiastical Commissioners by reason of instalments accrued due

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(1) for the purpose of advowsons, or for the compensation of the owners thereof, or

(2) or for the purchase of Glebes;

(3) in such manner as (4) Lords

(5) of His Majesty's Treasury shall direct, into the receipt of His Majesty's Exchequer in Ireland, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

77.
After Thirty-first March next 50,000 *l.* shall be charged upon the Consolidated Fund for the moral and religious instruction of the people of Ireland.

(6) AND in consideration of the monies so to be hereafter paid over and carried to and made part of the Consolidated Fund; BE it Enacted, That from and after the Thirty-first day of March One thousand eight hundred and Thirty-seven, there shall be charged upon the said Consolidated Fund an annual sum of Fifty thousand Pounds, which shall be issued and paid out of the said Consolidated Fund, in such proportions, and at such times in each year, and in such manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall appoint and direct, to such person or persons as the Lord Lieutenant of Ireland shall by warrant under his hand from 119 time to time authorize to receive the same, to be applied under such regulations as the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, shall from time to time appoint and direct, to the moral and religious instruction of all classes of the people in Ireland, without distinction of religious persuasion; and that within Fourteen Days after the First day of April in every year an account of the application and expenditure of the monies issued, pursuant to the provisions of this Act, for the purposes of moral and religious instruction as aforesaid, in the year ending on such First day of April shall be laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament shall not be then sitting, such account shall be laid before both Houses as aforesaid within Fourteen Days after the commencement of the then next Session of Parliament.

due in the year One thousand eight hundred and Thirty-five, and in the present year, on account of monies lent and advanced by the Trustees and Commissioners of First Fruits in Ireland for the purposes of building Mansions or Glebe Houses, and making other improvements, or for the purchase of Houses for the habitation and residence of Incumbents of Benefices and their successors, or for the purchase of Glebes or Demesne Lands for the erection of such Glebe Houses or Offices, and which sums were vested in the said Ecclesiastical Commissioners by the hereinbefore recited Act made in the fourth and fifth year of His Majesty's reign: AND whereas it is expedient to relieve the Incumbents who have been unable to pay such instalments for the said year One thousand eight hundred and 121 Thirty-five and this present year from immediate liability thereto, but so nevertheless that such sums shall remain charged upon their respective Benefices and Promotions, and upon the Incumbents having or succeeding to the profits and emoluments thereof; BE it therefore Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to sue for, recover or receive any instalment which may have accrued due on the First day of July One thousand eight hundred and Thirty-five, or on the First day of July in this present year, or within Twenty-one Days after such respective days, and which may at the passing of this Act be unpaid and in arrear, on account of any monies lent or advanced by the said Trustees and Commissioners of First Fruits for the purposes aforesaid.

Monies advanced by Commissioners of First Fruits and due 1st July 1835 and 1836 not to be sued for;

LXVII.
But Incumbents to pay same by yearly instalments commencing 1st July 1837.

Provided, and be it further Enacted, That nothing herein contained shall be construed to exonerate the Incumbent of any Benefice or his successors from the repayment of the sum so lent and advanced, but that such sum, or the residue now remaining unpaid, 122 shall be repaid by annual instalments of the like amount as now required by law, the next whereof shall become due on the First day of July One thousand eight hundred and Thirty-seven, or within Twenty-one Days after, and the remaining instalments on the First day of July, or within Twenty-one Days after, in each succeeding year, until the whole sum lent and advanced as aforesaid shall have been repaid; and that such instalments shall be payable by the present Incumbent of each Benefice or his successors, and recoverable by the like means as now provided by law for the recovery of instalments payable in discharge and on account of monies lent and advanced by the said Trustees and Commissioners of First Fruits for the purposes aforesaid, and in all respects according to the like provisions, subject nevertheless to such apportionment or allocation of 123 such charges or payments as may at any time be made by any order of the Lord Lieutenant in Council, made under the provisions hereinbefore contained.

LXVIII. Commissioners of Land Revenues and Ecclesiastical Commissioners may examine on oath or receive depositions.

And be it Enacted, That it shall be lawful for the said Commissioners of Land Revenues or for the said Ecclesiastical Commissioners to examine upon oath or affirmation (which oath or affirmation they, or any One or more of them, are and is hereby authorized to administer,) any person willing to be examined touching any matters or things relating to any proceeding under this Act, and also to receive any affidavit or deposition in writing, upon oath or affirmation, which shall be made in any part of the United Kingdom of Great Britain and Ireland, before any person having authority to administer an oath, or before any Justice of the Peace, or which shall be made in any parts beyond the seas before any Magistrate of the county, territory, or place having competent power and authority to administer an oath, and certified and transmitted to the said Commissioners, or either of them, under the hand and seal of such Magistrate. 124

LXIX. Ecclesiastical Commissioners may employ additional Clerks.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may employ such and so many Clerks or other officers as they may find necessary for the discharge of the duties by this Act imposed upon them, and allow to such Clerks and officers such salaries as they shall, with the consent of the Lords Commissioners of the Treasury, fix and appoint; and the said Ecclesiastical Commissioners and the said Commissioners of Land Revenues shall employ for all the purposes of this Act such Solicitor as the said Commissioners of His Majesty's Treasury shall nominate and appoint.

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AND

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82. Treasury may advance money on credit of the Rent-charges granted by this Act, not exceeding the annual Amount thereof.

(1) AND whereas it may be found necessary for the said Commissioners of Land Revenues to borrow a sum or sums of money by way of mortgage or loan on the credit of the produce of the said Rent-charges and the other funds accruing to them under the provisions of this Act; BE it therefore Enacted, That it shall and may be 125 lawful for the Commissioners of His Majesty's Treasury, if they shall so think fit, upon the application of the said Commissioners of Land Revenues, from time to time to issue or advance, or cause to be issued or advanced, out of the produce of the Consolidated Fund of the United Kingdom, any sum or sums of money, not exceeding in the whole at any one time the gross annual amount of the Rent-charges and other funds accruing to the said Commissioners of Land Revenues under this Act, to be applied to the like purposes as such Rent-charges, and to be repaid in such manner and at such times and with such rate of interest as the said Commissioners of His Majesty's Treasury as aforesaid shall determine and direct; and all sums so issued and advanced shall, with the interest from time to time

accruing

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LXX.
Tithe Compositions Acts shall be taken to extend to His Majesty.

AND whereas doubts have arisen how far the several Acts for 127 establishing Compositions for Tithes in Ireland extend to Tithes forming part of the hereditary revenues and possessions of the Crown in Ireland; FOR the removal of which doubts, be it further Enacted and Declared, That the said (¹) *Acts* shall be deemed to extend to the King's Majesty, His heirs and successors, as if named therein, and that all Compositions for Tithes belonging or which may have belonged to His said Majesty are and shall be and be deemed to have been good, valid and effectual to all intents and purposes as any Compositions established in lieu of Tithes belonging to any other person.

LXXI.
The Provisions of this Act shall extend to His Majesty.

And be it Enacted, That all and every the provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to the King's Majesty, and that Rent-charges shall become payable in lieu thereof, and that such Rent-charges shall be collected and recovered, and in all other respects managed and dealt with 128 according to the provisions of this Act, any thing in any other Act or Acts heretofore passed relative to the hereditary possessions and land revenues of the Crown in Ireland to the contrary notwithstanding: Provided always, That nothing herein contained shall extend in any respect to alter or repeal the provisions of any such Act or Acts with respect to the application of the annual income arising from such Tithes or Compositions, or the sale thereof, or the application of the monies arising from any such sales, but that such last-mentioned provisions shall extend and apply to the annual income arising from the Rent-charges which will become payable in lieu of such Tithes or Compositions under the provisions of this Act,

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accruing due thereon, be and the same is and are hereby charged 126 upon the produce of the Rent-charges, and all other funds accruing to the said Commissioners of Land Revenues under this Act; and such Rent-charges and other funds as aforesaid shall be subject and liable to the payment of the sums so issued or advanced, and the interest thereon, in such manner and at such times as the said Commissioners of His Majesty's Treasury shall appoint; and the said Commissioners of Land Revenues are hereby authorized, empowered and required to pay such sums of money and such interest from time to time when and as the same shall become due and payable, pursuant to the order and direction of the said Commissioners of His Majesty's Treasury, from and out of the produce of the said Rent-charges and the other funds vested in or accruing to them under this Act, prior to any other application thereof.

(¹) Act

Act, and to authorize sales thereof, and to direct the application of the monies arising from the sale of such Rent-charges, according to the nature thereof respectively, in like manner as to the annual income arising from such Tithes and the monies arising from sales thereof: And provided further, That nothing in this Act contained 129 shall in any manner prejudice or affect the right of His said Majesty in or to any quit-rent or other rent or payment reserved upon or arising out of any grant, or payable on account of any Advowsons, Rectories, Vicarages or other Benefice or Preferment, or Office Spiritual, or Tithes.

LXXII.
Notices, how to be served.

And be it Enacted, That whenever any notice required to be given by this Act cannot be delivered to the person to whom such notice is directed, it shall be sufficient to leave the same at the last or most usual place of abode of such persons, and if such person shall be in Ireland, or if such person or persons shall be in any other part of the United Kingdom, or beyond the seas, then to publish the same in the Dublin Gazette.

LXXIII.
No Stamp Duty to be payable on instruments required by this Act;

And be it further Enacted, That no memorandum, contract or agreement to be made or entered into under the provisions of this 130 Act, nor any deed, receipt or other instrument or counterpart thereof made, nor any receipt, order, copy, document or other matter or thing relating to any proceeding or payment under this Act, nor any appointment, obligation or bond authorized or required by this Act, shall be subject or liable to any Stamp Duty whatsoever imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

LXXIV.
Nor Office Fees.

And be it Enacted, That no search nor certificate thereof, or any other proceeding in any Court or Office, nor any payment nor investment which may be directed or sanctioned by any Court or otherwise, for the purposes of this Act, shall be subject to any charge for any law or equity fund, nor to any Usher's poundage nor fee imposed by any Act now in force or by any future Act, unless the same be specially mentioned and subjected thereto by this or some future Act.

LXXV.
Punishment for Forgery.

And be it Enacted, That if any person shall knowingly and wilfully forge or counterfeit, or act or assist in forging or counterfeiting, the name or handwriting of the Lord High Treasurer or of the Commissioners of His Majesty's Treasury for the time being, or of the said Ecclesiastical Commissioners, or Commissioners of Land Revenues, or of any or either of them, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any

money in the hands or custody of the Governor and Company of the Bank of Ireland, or of any private banker, on account of the said Commissioners, with intent to defraud any Corporation or person whatsoever, or shall forge and counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft, instrument or writing in form of
132 or purporting to be a draft made by the said Commissioners or any of them, or shall utter and publish any such, knowing the same to be forged or counterfeited, with an intent to defraud the said Commissioners of Land Revenues or the Governor and Company of the Bank of Ireland, or any Body Corporate or any person or persons whomsoever, every person or persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared to be guilty of Felony, and shall be liable to be transported for the term of his or their life.

LXXVI.
Perjury.

And be it further Enacted, That if any person who shall make or take any oath, affirmation or affidavit under or in pursuance of the provisions of this Act, shall therein wilfully or knowingly swear, affirm or answer falsely to any matter or thing, every such person, being duly convicted thereof, shall incur and suffer such penalties, pains and disabilities as persons convicted of wilful and corrupt Perjury are by law liable to.

LXXVII.
Limitation of Actions.

133 And be it further Enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, such action or suit shall be commenced within Six calendar Months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant in every such action or suit may plead the General Issue, and give this Act and the special matters in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, each defendant shall have Treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

LXXVIII.
Interpretation of Words used in this Act.

And be it Enacted, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the
34 nature of the provision or context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the words "Lord Lieutenant of Ireland" shall extend to any Lords Justices or other chief Governor or Governors of Ireland; and the words "Com-

missioners of Land Revenues" shall be construed to mean the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and the word "Land" shall extend to manors, messuages and other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold or of any other tenure; and the word "Appointment" shall be construed to mean institution, collation, presentation, election, donation, nomination, license or induction; and the word "appointed" shall be construed to mean instituted, collated, presented, elected, nominated, licensed or inducted; and the words "Persons entitled to Compositions for Tithes," or to any "Composition," shall be construed to extend to and include all ecclesiastical persons, and bodies corporate, sole or 135 aggregate, lay or ecclesiastical or collegiate, and all incumbents of parishes, whether rectors, vicars or curates, and all impropriators and appropriators, and all persons whomsoever being the owners of or entitled or interested in any manner whatsoever, at law or in equity, whether in their own right or by virtue of any order or process of any court, as trustees, devisees, personal representatives, lessees, sequestrators, receivers or otherwise, to any Tithes, or portion or portions of Tithes, or Composition established in lieu of Tithes, or portion or portions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any lease or agreement; and the word "Person" shall extend to and comprise all and every bodies politic and corporate, sole and aggregate, lay and ecclesiastical and collegiate; and the words "Compositions for Tithes" shall extend and be applied to any portion or portions of a Composition, and to any Tithes or portion of Tithes, and to any part of a yearly payment thereof, as well as to a Composition; and the word "County" shall 136 extend and be applied to any riding, county of a city or county of a town, or city and county, as well as a county at large; and the word "Parish" shall extend and be applied to any part of a parish forming a distinct Benefice, and to extra-parochial place or places separately chargeable with any Composition for Tithes, as well as to a parish; *and the word "Benefice" shall extend and be applied to every rectory, vicarage, perpetual curacy or donative, whether consisting of one or more parishes or of any part or parts of one or more parishes*; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

LXXIX.
Act may be altered this Session.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

Church of Ireland.

(Ireland.)

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for the better Regulation of Ecclesiastical Revenues, (1) in Ireland.

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(1) and the Promotion of Religious and Moral Instruction,

Ordered, by The House of Commons, *to be Printed,*
28 *July* 1836.

[*Price* 8*d.*]

498.

21 *July* 1836.—7 Will. IV.

(Ireland.)

A

B I L L

To amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," which Act was amended by another Act passed in the fourth and fifth years of the reign of His said Majesty: And whereas it is expedient to extend, explain and amend, in certain respects, the provisions of the said Acts; BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for any inferior tenant or lessee, holding any lands, tenements or hereditaments by virtue of any lease or contract, containing a toties quoties covenant for renewal, and whose next immediate landlord has or shall have acquired a perpetual estate or interest in such lands, tenements or hereditaments under the provisions of the said recited Acts or of this Act, to apply to such next immediate landlord for a conveyance of a perpetual estate and interest in such lands, tenements or hereditaments, which conveyance such next immediate landlord is hereby required to make and execute to such inferior tenant, his heirs and assigns; provided that such tenant shall previously have paid or tendered to such landlord or his known agent such sum or sums of money as shall be payable by such

Preamble.

3 & 4 Will. 4. c. 37.

4 & 5 Will. 4. c. 90.

1.
Inferior Tenants may apply to their immediate Landlord, having acquired a Perpetuity for a like Conveyance.

Such Tenant having previously paid his contribution and arrears of Rent and Fine.

tenant, as or for contribution to the purchase-money paid or secured by such landlord for the purchase of a perpetual estate or interest in such lands, tenements or hereditaments pursuant to the said recited Acts and this Act, together with all rent and fines and fees for renewal, and all arrears thereof then due and payable by such tenant by virtue of such lease or contract.

2.
Yearly Rent reserved on such Conveyance to be composed of former Rent and renewal Fine and yearly average thereof.

And be it Enacted, That the yearly rent to be reserved on every such last-mentioned conveyance shall be ascertained in manner following; that is to say, when the fine and fees payable by such inferior tenant upon each renewal of his interest in such lands, tenements or hereditaments shall be a fixed and ascertained sum, then in the case of leases or interests renewable every year, the amount of such fine and fees, or in the case of leases renewable at longer intervals than every year, the annual average amount of such fine and fees, computed as by the said first recited Act directed for the purposes of that Act, shall be added to the yearly rent reserved and made payable by the lease or contract under which such lands, tenements or hereditaments are held by such inferior tenant; and when the fine and fees payable by such inferior tenant upon every such renewal as aforesaid shall be a fixed proportion of or dependent upon the renewal fine payable by the immediate superior tenant of said lands, tenements or hereditaments, then there shall be added to the yearly rent reserved upon such lease or contract a sum of money bearing a like proportion to the average annual amount of the renewal fine so payable by such immediate superior tenant, as the same shall have been ascertained by the said Ecclesiastical Commissioners pursuant to the said recited Acts; and such yearly rent reserved upon such lease or contract, together with such sum of money so to be added thereto as aforesaid, shall be the future rent to be reserved on the conveyance of a perpetual estate or interest in such lands, tenements or hereditaments to such inferior tenant.

3.
In case of disputes or refusal or disability on the part of the Landlord to execute, the Tenant may petition the Court of Chancery or Exchequer.

And be it Enacted, That in case of any dispute or difference between such inferior tenant and his next immediate landlord, or in case such landlord shall not execute to such tenant a conveyance of the fee simple and inheritance of and in such lands, tenements and hereditaments, within *One* calendar Month next after the same shall have been duly tendered to him or to his known agent, or in case such next immediate landlord shall be an infant or lunatic, or shall not be resident in the United Kingdom of Great Britain and Ireland, then and in every such case it shall and may be lawful for such inferior tenant to apply to the Court of Chancery or Court of Exchequer in Ireland, by Petition, setting forth the facts and circumstances of the case; and it shall and may be lawful for such Court to hear such Petition in a summary manner, and to make such order thereon as such Court shall think fit, and to appoint a person to execute such

Court may determine in a summary manner and appoint a person to convey.

conveyance to such tenant in the name of such landlord, in case such landlord shall reside out of the jurisdiction of such Court, or shall labour under any legal disability, or in case such Court for any other reason shall think it expedient to appoint such person; and every such conveyance so executed shall be valid and effectual to all intents and purposes.

4. Tenants for life and persons under legal incapacity (except Infants and Lunatics) may convey.

And be it Enacted, That it shall and may be lawful for every such next immediate landlord, and he is hereby authorized and required, although he shall be tenant for life or for any other limited interest of such lands, tenements or hereditaments, or although he shall labour under any legal incapacity or disability (except infancy or lunacy), to execute such conveyance to his next inferior tenant, subject to the provisions hereinbefore contained, and every such conveyance shall be valid and effectual to all intents and purposes.

5. Rent reserved on such Conveyance to be subject to variation in certain cases.

And be it Enacted, That in case any portion of the yearly rent reserved on such conveyance of any lands, tenements or hereditaments shall be a proportion of or dependent upon the average annual amount, as ascertained by the said Commissioners, of the renewal fine payable by the first and immediate tenant of such lands, tenements or hereditaments, then and in every such case such yearly rent shall be subject to variation in like manner and at such times as the rents reserved upon the immediate conveyance of any lands, tenements or hereditaments by the said Ecclesiastical Commissioners, or by the Archbishop, Bishop or other sole Ecclesiastical Corporation under whom the said lands, tenements or hereditaments are held; and all the provisions in the said recited Acts contained relative to the variation of such last-mentioned rents shall be applicable to rents reserved on conveyances to be made under the provisions of this Act so far as the nature and circumstances of each case will admit.

6. Immediate Landlord to have the like remedies for recovery of Rent as original Grantee of Perpetuity.

And be it Enacted, That every such next immediate landlord shall and may have all such and the like remedies for the recovery of the rent reserved upon any such conveyance to his inferior tenant or tenants as any landlord or lessor now has or may, can or shall have by virtue of any law now or hereafter to be in force in Ireland for the recovery of rent payable under a demise by which a reversion is reserved to or remains in such landlord or lessor, and every person who shall have acquired the fee simple or inheritance in any lands, tenements or hereditaments pursuant to the provisions of this Act, shall and may have all such and the like remedies against his under tenants as in and by the said recited Acts are provided in cases of persons who shall have acquired the fee simple and inheritance of any lands, tenements or hereditaments under the provisions of the said recited Acts.

See 4 & 5 Will. 4. c. 90. s. 33.

7.
Saving of provisions of 3 & 4 Will. 4. c. 37. as to Undertenants who shall not apply for Perpetuities.

Provided always, and be it Enacted, That nothing herein contained shall extend, or be construed to alter or affect the provisions of the said recited Acts, with respect to renewals to be made to inferior tenants holding under leases or contracts containing toties quoties covenants for renewal in the case of any such inferior tenant who shall not apply to his next immediate landlord, pursuant to the provisions of this Act, for a conveyance of the fee simple and inheritance of and in the lands, tenements or hereditaments held by him under such next immediate landlord.

8.
Commissioners may give Certificates of terms of purchase, and call on Tenants by notice to complete purchases.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any time after application shall have been made to them for the purchase of the fee simple and inheritance of and in any lands, tenements or hereditaments pursuant to the said recited Acts or this Act, to cause such certificate of the terms of such purchase, and of the amount of purchase-money to be paid on the completion of such purchase, and of the annual rent to be reserved and made payable in and by the deed or deeds of conveyance as by the said recited Acts they are directed to grant to the applicant when so required, to be without any request on his part delivered to him, together with a notice in writing to be annexed to such certificate requiring such applicant to complete such purchase, pursuant to the said recited Acts, within such time as shall be specified in such notice, not being less than *Six* calendar Months from the service thereof; and the said Ecclesiastical Commissioners may, if they shall so think fit, cause such certificate and notice to be transmitted to such applicant by post, addressed to him at his usual place of residence, or to his known agent or receiver, at the usual place of residence of such agent or receiver; and for the purposes of this Act such transmission by the post to such applicant, or his known agent or receiver, shall be deemed good and sufficient service of such certificate and notice; and if such applicant shall neglect or refuse to complete such purchase within *Six* calendar Months after the service of such certificate and notice, or within such further period as shall be specified in such notice, then and in every such case such applicant shall be deemed to have renounced such purchase, and his right of preference thereto; and it shall be lawful for the said Commissioners, at any time after the expiration of such *Six* calendar Months, or such further period as shall have been specified in such notice, to treat and contract for the sale of a perpetual estate or interest in the said lands, tenements or hereditaments, with the person or persons entitled to apply for the purchase of such perpetual estate or interest next after the person so neglecting or refusing as aforesaid; and the said Commissioners shall deduct from the sum deposited or secured, pursuant to the said recited Acts, by such person so neglecting or refusing as aforesaid to complete such purchase, such sum or sums of money as the said

Service of Notice.

On failure to complete Purchase, Commissioners may consider the treaty terminated, and treat with the person next entitled.

Ecclesiastical Commissioners shall find necessary to defray the expenses which they may have incurred in ascertaining the terms of such purchase upon his said application.

9. Deeds shall be enrolled by depositing Transcripts in the Rolls Office.

And be it Enacted, That in every case in which any deed has been or shall hereafter be executed, which by the provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a transcript of such deed, certified under their seal, to be made upon parchment, and deposited in the hands of the Deputy Keeper of the Rolls, or other proper officer of the Rolls Office of the High Court of Chancery in Ireland, who upon receipt thereof shall, without any fiat or other order, cause the same to be preserved in the said Rolls Office, and such transcripts shall be conveniently arranged in books for the purpose of reference and examination; and every such transcript so deposited shall be and be deemed and taken to be an enrolment of such deed to all intents and purposes whatsoever: Provided always, That neither such transcript for enrolment nor any certificate required by the said recited Acts, or either of them, to be given or enrolled, shall be liable to any stamp duty whatsoever, and that no fee shall be demanded or paid for the enrolment of any certificate required by law to be annexed to the enrolment of any such deed as aforesaid, in addition to the fee of Two Shillings and Sixpence payable on enrolment of such deed pursuant to the said first recited Act.

Transcripts to be arranged in Books for reference.

Transcripts and Certificates for Enrolment not liable to Stamp Duty.

Fee on Enrolment.

10. Searches in Enrolment Books may be made on payment of a fee of 2*s.* 6*d.*

And be it Enacted, That it shall and may be lawful for any person whatever to make searches in such enrolment books for the enrolment or enrolments of any deed or deeds which he shall have occasion to examine, and every person making any such search shall pay for the same (including the liberty of taking notes or making extracts from any enrolment or enrolments) a fee of *Two Shillings and Sixpence* and no more for such day on which he shall make any such search.

11. Provision of 3 & 4 Will. 4. c. 37. as to Archbishops, &c. causing Enrolments to be made repealed. Expenses of Transcripts, &c. to be defrayed by Commissioners.

And be it Enacted, That so much of the said first recited Act as provides that any Archbishop, Bishop or person, other than the said Ecclesiastical Commissioners, shall cause any such deed or deeds to be enrolled, shall be and the same is hereby repealed; and that the said Ecclesiastical Commissioners shall defray the costs and expenses of making such transcript for enrolment, and of enrolling the same in manner aforesaid, out of the purchase-money paid for the purchase of the fee simple and inheritance of and in the lands, tenements or premises comprised in such transcript.

12. Tenants, instead of paying Purchase-money, may execute mortgage at 3¼ per centum, payable within 15 years.

And be it Enacted, That it shall and may be lawful for any superior or under tenant who shall, within *Two* Years next after the *passing of this Act*, contract and agree for the purchase of the fee simple and inheritance of and in any lands, tenements or hereditaments held under any sole Corporation, or under the said Ecclesiastical Commissioners, pursuant to the provisions of the said recited Acts or of this Act, instead of paying the sum ascertained, agreed or adjudged to be payable for or on account of such purchase, to execute to the said Ecclesiastical Commissioners, in case such purchase-money shall exceed *Five hundred* Pounds, but not otherwise, a mortgage of the lands, tenements or hereditaments so purchased for securing the payment of such purchase-money either by one payment or by instalments of not less than *One hundred* Pounds each, at any time within *Fifteen* Years next after the making thereof, with interest in the meantime thereon, or, on so much thereof as shall remain from time to time due, at the rate of *Three Pounds and Ten Shillings* per centum per annum; and every such mortgage shall have priority and precedence over all other charges and incumbrances whatsoever, and shall be subject to all such and the like provisions as by the said recited Act of the third and fourth years of the reign of His present Majesty made in respect of any mortgage for securing the payment of purchase-money to the said Commissioners made under that Act.

13. Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account in Exchequer Bills.

And be it Enacted, That the said Ecclesiastical Commissioners shall cause all such monies as may now stand or hereafter accrue to their credit in the Perpetuity Purchase Fund Account mentioned in the said last recited Act to be invested from time to time, under such regulations as the Commissioners of the Treasury shall direct, in the purchase of Exchequer Bills; and the said Ecclesiastical Commissioners shall have power, with the consent of the said Commissioners of the Treasury, to sell and dispose of the same as occasion shall arise, and apply the proceeds thereof and the dividends and interest arising therefrom to the purposes authorized and directed by the said last recited Act.

14. In Leases of See houses, &c. Covenants not to sublet, except with consent of Commissioners, may be inserted, instead of absolute Covenants against subletting.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners in any demise or lease to be made by them pursuant to the said first recited Act of the See house, offices and mensal or demesne lands of or belonging to any Archbishoprick or Bishoprick, to cause to be inserted instead of such clause or covenant against assigning or subletting as by the said Act is required, a clause or covenant making void such demise or lease, in case the premises thereby demised, or any part thereof, shall be sublet or assigned without the previous consent of the said Ecclesiastical Commissioners, testified in writing under their common seal; which consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give upon such terms and subject to such restrictions or conditions as they shall deem expedient.

15. Lessees of See houses, &c. under Leases

And be it Enacted, That it shall and may be lawful for the lessee named in any lease or demise heretofore made by the said Ecclesiastical Commissioners of any such See house, offices, mensal or demesne lands, or for the heirs, executors, administrators or assigns of such lessee, by and with the consent in writing of the said Commissioners, and subject to such terms, conditions and restrictions as shall be expressed therein, to assign or sublet such See house, offices and lands, or such part or parts thereof as shall be specified in such consent, and that no such lease or demise shall be or become void or voidable by reason of such assigning or subletting, with such consent as aforesaid, any thing in such demise or in the said recited Act contained to the contrary hereof notwithstanding.

already made may sublet, with consent of Commissioners.

16.

Ecclesiastical Commissioners may make Leases and Renewals of Lands belonging to suspended Dignities or Benefices pending suspension.

And be it Enacted, That whensoever under the provisions of the said Acts or this Act, the appointment, presentation or collation to any dignity, office, rectory or benefice, has been or shall be suspended, the Ecclesiastical Commissioners for Ireland shall for and during such period as such dignity, office, rectory or benefice shall remain vacant, have, and at their discretion exercise, by and in their own name and right, all such powers of leasing and demising any lands, tenements or hereditaments whatsoever belonging or appertaining or appropriated to or usually enjoyed with such dignity, office, rectory or benefice, as, in case no suspension had taken place, any person filling the same might have had or exercised; and it shall be lawful for the said Commissioners, in the case of lands, tenements or hereditaments demised by leases customarily renewed, from time to time to accept surrenders of such leases, and to make new leases or renewals of the same respectively, in like manner to all intents and purposes as the said Commissioners are authorized and required to do in respect of any lands, premises or hereditaments at any time belonging to any Bishoprick, and which may have been transferred to and vested in them by virtue of the said Acts; and that it shall be lawful for the respective tenants, lessees or undertenants of any such lands, tenements or hereditaments, during the suspension of such appointment, presentation or collation as aforesaid, to apply to the said Commissioners for the purchase of a perpetual estate and interest of and in any such lands, tenements or hereditaments, in like manner as such tenants, lessees or undertenants respectively could or might have done by virtue of the said recited Acts or this Act, in case the appointment, collation or presentation to such dignity, office, rectory or benefice had not been so suspended; and in case of any such application, all such and the like proceedings shall be had as by the said Acts prescribed in the case of any application for the purchase of the fee simple and inheritance of and in any lands, premises or hereditaments at any time belonging to any Bishoprick, and which may have been transferred to and vested in the said Commissioners by virtue of the said Acts.

Tenants of such Lands may purchase Perpetuities pending suspension.

17.

Rents reserved on Leases made during sus-

And be it Enacted, That in case of the removal of any such suspension as aforesaid, all leases, demises, renewals or conveyances theretopension to be payable to persons subsequently appointed to Dignities or Benefices, and their successors.

fore made as aforesaid by the said Ecclesiastical Commissioners, shall be and remain valid and binding to all intents and purposes whatsoever; provided that in the case of the removal of such suspension, all rent, covenants and reservations made payable by or contained in such lease, demise, renewal or conveyance shall, from and after the time when such dignity, office, rectory or benefice shall have been filled, become and be payable to and inure for the benefit of the person appointed, collated or presented to such dignity, office, rectory or benefice, and his successors, who shall have all such and the like remedies for enforcing payment or performance of such rent, covenants and reservations as if the same had been expressly made payable to, or reserved or covenanted with or by the person filling such dignity, office, rectory or benefice, and his successors.

18.
In cases of Petitions under 3 & 4 Will. 4. c. 37. s. 102. for recovery of Stipends of officiating Clergymen, Certificate of Archbishop or Bishop shall be evidence of the liability of Impropriator.

AND whereas it is expedient to make more effectual provision for enforcing payment of stipends or salaries for the maintenance of officiating Clergymen in parishes whereof the Tithes are appropriate or impropriate, and the owners thereof are bound to maintain such Clergymen: And whereas by the said recited Act of the third and fourth years of His present Majesty's reign it was provided, that in any case where the owners of Impropriations or Impropriate Tithes are by law bound, but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, it should be lawful for the said Ecclesiastical Commissioners, or for the Archbishop or Bishop of the Diocese, to present a Petition to the Court of Chancery or Exchequer in Ireland, praying relief, and such Courts were authorized and required to hear such Petition in a summary way, and to make such order therein as should appear just: And whereas it is expedient to extend the said recited provisions of the said Act; BE it therefore Enacted, That the same shall be deemed and taken to extend and shall extend to cases where the owners of Appropriations or Appropriate Tithes are by law bound but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, in like manner and as fully to all intents and purposes as to cases where the owners of Impropriations or Impropriate Tithes are so bound and so refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister.

19.
What is to be deemed Evidence of Liability to pay Stipend or repair Chancels.

And be it Enacted, That in case in which any Petition shall be presented pursuant to the said recited Act or this Act for the repair of any chancel, or for recovery of any stipend or salary of an officiating Minister, or any arrears thereof, the Certificate of the Archbishop or Bishop of the Diocese in which the church or parish is situate, that such chancel has been repaired or such salary usually paid to the officiating Minister of such parish, or that such chancel has at any time been agreed to be repaired or such salary to be paid by the owner or owners of the Impropriation or Appropriation or Appropriate or

Impropriate Tithes, as the case may be, of such parish, shall be primâ facie evidence of the liability of such owner or owners to pay such stipend or salary or repair such chancel, as the case may be, and every such stipend or salary shall be a charge upon such Appropriate or Impropriate Tithes, paramount to all other charges whatsoever.

20.
Court may appoint Receiver.

And be it Enacted, That it shall and may be lawful for the Court to which any such Petition shall be presented, to appoint a Receiver over any such Appropriate or Impropriate Tithes for payment of any such repairs, stipend or salary, or arrears thereof, or to direct that any Receiver already appointed over such Tithes shall pay such repairs, stipend or salary to the person entitled to receive the same, in preference and priority to all other charges whatsoever.

21.
If Impropriator in any Parish not having Vicar or Curate endowed shall not contribute to the maintenance of an officiating Minister, the Commissioners, on Certificate of the Archbishop, &c. may fix a Stipend to be paid by the Impropriator.

And be it Enacted, That whensoever the Impropriator or Appropriator or owner of the Appropriate or Impropriate Tithes of any parish not having a Vicar or Curate endowed, shall not maintain an officiating Minister in such parish, or shall not have agreed to pay a stipend or salary for or towards the maintenance of such officiating Minister, then and in every such case it shall and may be lawful for the Archbishop or Bishop of the Diocese in which such parish is situate, to certify to the Ecclesiastical Commissioners that there is no Vicar endowed, nor any stipend paid to any Curate, or other provision made by such Appropriator or Impropriator for the discharge of the spiritual duties of such parish, and that it is fit and proper that an officiating Minister should be maintained within the same, and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable stipend to be paid by the Impropriator or Appropriator or owner of the Appropriate or Impropriate Tithes of such parish, having regard to the annual value of such Impropriate Tithes, and to the extent of the duty to be performed in such parish, and the said Ecclesiastical Commissioners shall cause to be lodged in the registry of the Diocese in which such parish shall be situate, a Certificate under their seal of the amount of the stipend so ascertained, and shall also transmit to the owner, or if more than one, to each of the owners of the Impropriate or Appropriate Tithes of such parish, a copy of the said Certificate.

Certificate of the amount of Stipend to be lodged in the Registry.

22.
Stipend shall be a paramount charge on the Impropriate Tithes, and shall be payable from the lodging of the Certificate.

And be it Enacted, That the amount of the stipend so fixed and ascertained as aforesaid shall be a charge on the Impropriate Tithes of such parish paramount to all other charges whatsoever, and shall from and immediately after the lodging of such Certificate in the registry of the Diocese be paid and payable to the officiating Clergyman of such parish for the time being by equal half-yearly payments, and such officiating Clergyman shall be nominated and appointed from time to time, in such manner and subject to such provisions and regulations as the Curate of any Curacy augmented by the Trustees and Commissioners of First Fruits pursuant to any Statutes heretofore in force in Ireland: Provided always, That the amount of the salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed for every Hundred Pounds of the annual value of the Impropriate or Appropriate Tithes of such parish, as the same shall have been ascertained by the Certificate of the Commissioners appointed to carry into effect the composition for Tithes in the said parish.

Amount not to exceed per centum on the value of the Tithes ascertained by Certificate of Composition.

23.
Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such Corporations as have duties to perform.

AND whereas it appears by the Report of certain Commissioners constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in Ireland, bearing date the Fifteenth day of April One thousand eight hundred and Thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various names, and that some of such Corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them; BE it therefore Enacted, That the right, title and interest in and to all lands, tithes, rents, profits and other emoluments heretofore held and enjoyed by any and every Corporation of or belonging to any Cathedral Church in Ireland, known by the names of Minor or Petty Canons, Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, shall from and after the *passing of this Act* vest in the said Ecclesiastical Commissioners, subject nevertheless to all existing leases, charges and incumbrances, legal or equitable, now affecting the same, and that the rents, issues and profits thereof shall be by the said Ecclesiastical Commissioners applied during the lives of the present members of such Corporations respectively to their use in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of each such member of such Corporations, adequate provision be made out of such rents, issues and profits for the due maintenance of such and so many of their successors as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such Corporations respectively in cases where such provision is not made from other sources; and that the surplus of such rents, issues and profits from time to time accruing to the said Ecclesiastical Commissioners shall be carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and be in all respects subject to such and the like restrictions and conditions.

24. For removing doubts as to the provisions of the recited Act respecting the Precentorship of Christ Church, Dublin.

AND whereas by the hereinbefore recited Act passed in the fourth and fifth years of His Majesty's reign, the Lord Lieutenant or other Chief Governor or Governors of Ireland and His Majesty's Privy Council there, are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an Archbishoprick or Bishoprick, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant, all and every the tithes, glebes, lands, rents, profits and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said Act: AND whereas doubts have arisen whether the provisions of the said Act apply to the case of the Precentorship of the Church of the Holy and Undivided Trinity, otherwise called Christ Church, in Dublin, now vacant by reason of the cure of souls in certain parishes belonging in contemplation of law to the said Precentor, although in fact such Cure has not been served by the occupant of such dignity, nor by any resident Curate employed at a sufficient stipend: AND whereas it is expedient to remove such doubts, and also further to explain the said Act; BE it therefore Enacted, That the hereinbefore recited provisions of the said Act shall be taken to extend to the said Precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not for the term of *Three* Years next preceding the *passing of this Act* have continuously served the cure of souls in such parish or parishes, either personally or by a resident Curate remunerated by a sufficient stipend; and also that the said provisions of the said Act shall be taken to extend to all such offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same may not be ecclesiastical offices, nor held by ecclesiastical persons, and also to all cases where Tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where Lands only, or Land as well as Tithes, may have been so held and enjoyed or appropriated, or where the same may be under lease: Provided always, That if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such

Curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such Curate, not exceeding *One hundred* Pounds per annum, as they may think necessary, with regard to the duties to be by him discharged.

25.
Tithes, &c. disappropriated from Dignities, &c. may be carried to general Fund under administration of Ecclesiastical Commissioners.

AND whereas by the said recited Act of the third and fourth years of His present Majesty's reign, as the same is amended by the said Act of the fourth and fifth years of His Majesty's reign, authority is given to the said Lord Lieutenant or other Chief Governor or Governors and Council, on the next avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend or Canonry, or with the consent of the Incumbent thereof, to disappropriate, disunite and divest from and out of the same any Rectory, Vicarage, Tithes or portion of Tithes and Glebes, or part or parts thereof, and to unite any such Rectory, Vicarage, Tithes or portion of Tithes, or Glebes or part thereof, to the Vicarages or perpetual or other Curacies of such parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage or Curacy, or to erect the same into a distinct Parish or Benefice: AND whereas difficulties have arisen in carrying the provisions of the said Acts into effect by reason of the existence of leases of Tithes or portions of Tithes and Lands, sometimes included in one and the same demise, and sometimes situate in or arising out of several parishes, and doubts have arisen whether the said provisions extend to mensal or demesne lands; FOR remedy whereof, be it Enacted, That the said provisions shall be deemed and taken to extend to and comprise all and every Tithes or portions of Tithes, whether under lease or otherwise, and all lands mensal, demesne or otherwise belonging or appertaining, or anywise held or enjoyed in right of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, whether such Tithes or Lands shall arise out of or be situate in one or more parishes.

Provisions of recited Acts explained.

26.
In case disappropriated Lands, Tithes, &c. cannot be conveniently united to neighbouring Vicarage or Curacy, or that such Vicarage or Curacy is already sufficiently endowed, the Lands, Tithes, &c. disappropriated shall be transferred to the Ecclesiastical Commissioners and be by them carried to the

And be it Enacted, That in any case where the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit in the exercise of the powers conferred upon them by the said Acts and this Act to disappropriate, disunite and divest from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, any Rectory, Vicarage, Tithes or portion of Tithes or Lands, or part or parts thereof, which by reason of the existence of any such leases as aforesaid, or for any other reason cannot be conveniently appropriated or united to any adjoining or neighbouring Rectory, Vicarage or Curacy, or in case such Rectories, Vicarages or Curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant, or other Chief Governor or Governors and Council, to order that such Rectory, Vicarage, Tithes or portion of

Tithes or Land, or part or parts thereof, so disappropriated, disunited and divested as aforesaid, shall be transferred to the said Ecclesiastical Commissioners; and the right and interest in and to the same and all arrears thereof shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general fund under their administration, but charged with and subject nevertheless to the payment of such annual or periodical sum or sums of money, if any, as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit to direct to be paid to any Rector, Vicar or Curate, their or his successors, whose Rectory, Vicarage or Curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the provisions of the said Acts, any such disappropriated Rectory, Vicarage, Tithes or portions of Tithes or Lands might have been appropriated and united.

general fund under their administration.

27.
Ecclesiastical Commissioners shall have like power of making Leases and granting perpetuities in disappropriated Lands, &c. as in Lands, &c. belonging to suspended Dignities.

And be it Enacted, That the said Ecclesiastical Commissioners shall have all such and the like powers of making or renewing leases, or of conveying a perpetual estate or interest of and in any lands, tenements or hereditaments which may become vested in them by virtue of any such disappropriation order as aforesaid, as hereinbefore conferred upon them in respect of any lands, tenements or hereditaments which may become vested in them by virtue of any such suspension order as hereinbefore mentioned; and all and every the provisions hereinbefore contained in respect of such lands, tenements or hereditaments as may be vested in the said Commissioners by any such suspension order, and the making leases and renewals and conveyances thereof, shall apply and extend to lands, tenements and hereditaments vested in them by any such disappropriation order, and the making leases, renewals and conveyances thereof.

28.
An annual sum of £.1,500 to be paid to Dr. Kyle, Bishop of Cork and Ross and Cloyne, in order to make his present revenue equal to that he had before the union of the Sees.

AND whereas by and under the provisions of the said recited Act of the third and fourth years of His present Majesty's reign, the Bishoprick of Cork and Ross has become united to the Bishoprick of Cloyne, and Doctor Samuel Kyle being at the time of the passing of the said Act, and at the time when the said Bishopricks became united as aforesaid, Bishop of Cork and Ross, has become and now is Bishop of the said united Bishopricks of Cork and Ross and Cloyne: And whereas upon such union as aforesaid, all and singular the lands, tenements and hereditaments, with all and singular the tithes, rents and emoluments appertaining or belonging to the said Bishoprick of Cork and Ross were, by virtue of the said Act, transferred to and vested in the said Ecclesiastical Commissioners, saving and excepting the See house and offices and mensal or demesne lands to the said Bishoprick of Cork and Ross belonging, which became thereafter by the said Act the See house and offices and mensal or demesne lands of the said united Bishopricks of Cork and Ross and Cloyne, and the said Doctor Samuel Kyle became possessed of and entitled to the revenues of the said Bishoprick of Cloyne, saving and excepting to the See house and mensal or demesne lands thereunto belonging, which the said Ecclesiastical Commissioners were authorized to let or demise for such rent or fine as they should think fit: And whereas the said Ecclesiastical Commissioners are authorized and required by the said Act, out of the revenues of the said Bishoprick of Cork and Ross so vested in them as aforesaid, to make good to the said Doctor Samuel Kyle the sum or sums of money, if any, whereby the revenues of the said Bishoprick of Cloyne shall fall short of the revenues of the said Bishoprick of Cork and Ross: And whereas the revenues of the said respective Bishopricks, being in great measure dependent on fines paid on the renewal of leases, are liable to uncertainty and variation, and an annual valuation of the said several Bishopricks would be troublesome and inconvenient: And whereas it has been found, upon a comparison of the relative average value of the said several Bishopricks, that the revenues of the said Bishoprick of Cloyne fall short of the revenues of the said Bishoprick of Cork and Ross by the annual sum of One thousand five hundred Pounds, or thereabouts, and the said Doctor Samuel Kyle consents to receive such annual sum of One thousand five hundred Pounds in full acquittance and discharge of the payment which the said Ecclesiastical Commissioners ought to make to him under the provisions of the said Act; BE it therefore Enacted, That the said annual sum of *One thousand five hundred* Pounds shall be deemed and taken to be the sum whereby the revenues of the said Bishoprick of Cloyne fall short of the revenues of the said Bishoprick of Cork and Ross; and that the said Ecclesiastical Commissioners shall pay to the said Doctor Samuel Kyle, in each and every year during his incumbency of the said united Bishopricks of Cork and Ross and Cloyne, the said annual sum of *One thousand five hundred* Pounds, commencing from the *Fourteenth* day of *September One thousand eight hundred and Thirty-five*, and that the first payment thereof shall be made on the *Fourteenth* day of *September* in this current year *One thousand eight hundred and Thirty-six*, by one entire payment; and that the future payments thereof shall be made by equal moieties, one moiety on the *Fourteenth* day of *March*, and the other moiety on the *Fourteenth* day of *September* in each and every succeeding year, during the incumbency of the said Doctor Samuel Kyle in the said united Bishopricks: Provided always, That the said annual payment shall be apportioned so and in such manner that on the demise or translation of the said Doctor Samuel Kyle, or other determination of his said incumbency, the said Ecclesiastical Commissioners shall pay to him, or his executors, administrators or assigns, a proportion of such annual sum, according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the demise or translation of the said Doctor Samuel Kyle, or other determination of his said incumbency in the said united Bishopricks.

29. Provision of 4th & 5th Will. 4, c. 90, relating to costs of Solicitor amended.

AND whereas it is provided by the said Act of the fourth and fifth years of the reign of His Majesty, that no sum shall be paid by the said Commissioners to any Attorney or Solicitor as and for costs, charges or expenses, unless the amount of such payment shall first have been approved of by the Lords of the Treasury, and that no sum exceeding One thousand Pounds shall be allowed in any one year by the Lords of the Treasury, as and for the costs, charges or expenses of any such Attorney or Solicitor, and that before any such sum shall be allowed by the said Lords Commissioners of the Treasury on such account as aforesaid, the particulars of all such costs and expenses shall be laid before them: AND whereas it is necessary to explain the said hereinbefore recited provision; BE it therefore hereby Enacted and Declared to be the intent and meaning of the said Act, That no sum exceeding *One thousand* Pounds shall be allowed in any one year for the personal services of any such Attorney or Solicitor, but that no disbursements nor expenses actually and properly made or incurred by such Attorney or Solicitor in and about the affairs and business of the said Ecclesiastical Commissioners, and by their authority and direction, shall be deemed or taken to be included in the said sum of *One thousand* Pounds, or form part thereof.

30. Former Acts in force save as hereby repealed or altered, and to be construed together with this Act.

And be it further Enacted, That the said several recited Acts of Parliament shall continue in full force and effect, save and except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as one Act to all intents and purposes; and that this Act may be altered, amended or repealed by any Act or Acts to be passed in the present Session of Parliament.

Act may be altered this Session.

Church Temporalities.

(Ireland.)

A

BILL

To amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

(*Prepared and brought in by*
Lord Viscount Morpeth and Lord John Russell.)

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1836.

466.

17 *August* 1836.—7 Will. IV.

(Ireland.)

A
BILL,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT to amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]
[*N. B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

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1 WHEREAS an Act was passed in the third and fourth years
of the reign of His present Majesty, intituled, "An Act
to alter and amend the Laws relating to the Temporalities of the
Church in Ireland," which Act was amended by another Act passed
in the fourth and fifth years of the reign of His said Majesty: And
whereas it is expedient to extend, explain and amend, in certain respects,
the provisions of the said Acts; BE it therefore Enacted, by
The KING's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
THAT it shall and may be lawful for any inferior tenant or lessee,
holding any lands, tenements or hereditaments by virtue of any lease
or contract, containing a toties quoties covenant for renewal, and
whose next immediate landlord has or shall have acquired a perpetual
2 estate or interest in such lands, tenements or hereditaments under the
provisions of the said recited Acts or of this Act, to apply to such
next immediate landlord for a conveyance of a perpetual estate and
interest in such lands, tenements or hereditaments, which conveyance
such next immediate landlord is hereby required to make and execute
to such inferior tenant, his heirs and assigns; provided that such
tenant shall previously have paid or tendered to such landlord or his
known agent such sum or sums of money as shall be payable by such

Preamble.

3 & 4 Will. 4. c. 37.

4 & 5 Will. 4. c. 60.

I.
Inferior Tenants may apply to their immediate Landlord, having acquired a Perpetuity for a like Conveyance.

Such Tenant having previously paid his contribution and arrears of Rent and Fine.

tenant, as or for contribution to the purchase-money paid or secured by such landlord for the purchase of a perpetual estate or interest in such lands, tenements or hereditaments pursuant to the said recited Acts and this Act, together with all rent and fines and fees for renewal, and all arrears thereof then due and payable by such tenant by virtue of such lease or contract.

II.
Yearly Rent reserved on such Conveyance to be composed of former Rent and renewal Fine and yearly average thereof.

And be it Enacted, That the yearly rent to be reserved on every such last-mentioned conveyance shall be ascertained in manner following; that is to say, when the fine and fees payable by such inferior tenant upon each renewal of his interest in such lands, tenements or hereditaments shall be a fixed and ascertained sum, then in the case of leases or interests renewable every year, the amount of such fine and fees, or in the case of leases renewable at longer intervals than every year, the annual average amount of such fine and fees, computed as by the said first recited Act directed for the purposes of that Act, shall be added to the yearly rent reserved and made payable by the lease or contract under which such lands, tenements or hereditaments are held by such inferior tenant; and when the fine and fees payable by such inferior tenant upon every such renewal as aforesaid shall be a fixed proportion of or dependent upon the renewal fine payable by the immediate superior tenant of said lands, tenements or hereditaments, then there shall be added to the yearly rent reserved upon such lease or contract a sum of money bearing a like proportion to the average annual amount of the renewal fine so payable by such immediate superior tenant, as the same shall have been ascertained by the Ecclesiastical Commissioners for Ireland, pursuant to the said recited Acts; and such yearly rent reserved upon such lease or contract, together with such sum of money so to be added thereto as aforesaid, shall be the future rent to be reserved on the conveyance of a perpetual estate or interest in such lands, tenements or hereditaments to such inferior tenant.

III.
In case of disputes or refusal or disability on the part of the Landlord to execute, the Tenant may petition the Court of Chancery or Exchequer.

And be it Enacted, That in case of any dispute or difference between such inferior tenant and his next immediate landlord, or in case such landlord shall not execute to such tenant a conveyance of the fee simple and inheritance of and in such lands, tenements and hereditaments, within One calendar Month next after the same shall have been duly tendered to him or to his known agent, or in case such next immediate landlord shall be an infant or lunatic, or shall not be resident in the United Kingdom of Great Britain and Ireland, then and in every such case it shall and may be lawful for such inferior tenant to apply to the Court of Chancery or Court of Exchequer in Ireland, by Petition, setting forth the facts and circumstances of the case; and it shall and may be lawful for such Court to hear such Petition in a summary manner, and to make such order thereon as such Court shall think fit, and to appoint a person to execute such conveyance

Court may determine in a summary manner and appoint a perosn to convey.

5 conveyance to such tenant in the name of such landlord, in case such landlord shall reside out of the jurisdiction of such Court, or shall labour under any legal disability, or in case such Court for any other reason shall think it expedient to appoint such person; and every such conveyance so executed shall be valid and effectual to all intents and purposes.

IV.
Tenants for life and persons under legal incapacity (except Infants and Lunatics) may convey.

And be it Enacted, That it shall and may be lawful for every such next immediate landlord, and he is hereby authorized and required, although he shall be tenant for life or for any other limited interest of such lands, tenements or hereditaments, or although he shall labour under any legal incapacity or disability (except infancy or lunacy), to execute such conveyance to his next inferior tenant, subject to the provisions hereinbefore contained, and every such conveyance shall be valid and effectual to all intents and purposes.

V.
Rent reserved on such Conveyance to be subject to variation in certain cases.

And be it Enacted, That in case any portion of the yearly rent reserved on such conveyance of any lands, tenements or hereditaments shall be a proportion of or dependent upon the average annual amount, as ascertained by the said Ecclesiastical Commissioners, of the renewal fine payable by the first and immediate tenant of such
6 lands, tenements or hereditaments, then and in every such case such yearly rent shall be subject to variation in like manner and at such times as the rents reserved upon the immediate conveyance of any lands, tenements or hereditaments by the said Ecclesiastical Commissioners, or by the Archbishop, Bishop or other sole Ecclesiastical Corporation under whom the said lands, tenements or hereditaments are held; and all the provisions in the said recited Acts contained relative to the variation of such last-mentioned rents shall be applicable to rents reserved on conveyances to be made under the provisions of this Act so far as the nature and circumstances of each case will admit.

VI.

AND whereas certain portions of the lands belonging to the Sees of Armagh and Clogher have been or may be conveyed to the Ulster Canal Company under or by virtue of an Act of Parliament made and passed in the eighth year of the reign of his late Majesty GEORGE the Fourth, intituled, "An Act for making and maintaining a navigable Canal from Lough Erne, in the County of Fermanagh, to the River Blackwater, near the Village of Charlemont, in the County
7 of Armagh;" and of a certain other Act of Parliament made and passed in the ninth year of the reign of his late Majesty GEORGE the Fourth, intituled, "An Act to amend an Act for making and maintaining a navigable Canal from Lough Erne, in the County of Fermanagh, to the River Blackwater, near the Village of Charlemont, in the County of Armagh;" and of a certain other Act of Parliament made and passed in the tenth year of the reign of his late Majesty GEORGE the Fourth, intituled, "An Act to explain the Acts for

6 G. 4. c. 193.

9 G. 4. c. 96.

10 G. 4. c. 109.

1 & 2 W. 4. c. 56.

Ecclesiastical Commissioners or Arbitrators to make Abatement in the reserved Rents and Renewal Fines of Leases.

making the Ulster Canal, in the Counties of Fermanagh and Armagh;"
and of a certain other Act of Parliament made and passed in the
first and second years of the reign of His present Majesty King
William the Fourth, intituled, "An Act to amend the several Acts
for making and maintaining the Ulster Canal, in the Counties of Fermanagh and Armagh;" and of a certain other Act of Parliament
made and passed in the present Session of Parliament, intituled, "An
Act to amend and enlarge the Powers and Provisions of the several
Acts for making and maintaining the Ulster Canal, in the Counties of
Fermanagh, Monaghan and Armagh, in Ireland, for which Compensation has been already awarded or is provided by said Acts to be
awarded to the said Sees of Armagh and Clogher;" BE it Enacted, 8
That the Ecclesiastical Commissioners, or the Arbitrators, as the
case may be, are hereby authorized and required to make such abatement in the reserved rents hereafter to be charged in the perpetuity
sought to be acquired, or in the rent and renewal fine of any lease
sought to be renewed, as to them may appear reasonable and just, in
proportion to the value of the lands so conveyed or which may hereafter be so conveyed to said Ulster Canal Company as aforesaid.

VII.
Immediate Landlord to have the like remedies for recovery of Rent as original Grantee of Perpetuity.

See 4 & 5 Will. 4. c. 90. s. 33.

And be it Enacted, That every such next immediate landlord shall
and may have all such and the like remedies for the recovery of the rent
reserved upon any such conveyance to his inferior tenant or tenants
as any landlord or lessor now has or may, can or shall have by virtue
of any law now or hereafter to be in force in Ireland for the recovery
of rent payable under a demise by which a reversion is reserved to
or remains in such landlord or lessor, and every person who shall
have acquired the fee simple or inheritance in any lands, tenements
or hereditaments pursuant to the provisions of this Act, shall and
may have all such and the like remedies against his under tenants 9
as in and by the said recited Acts are provided in cases of persons
who shall have acquired the fee simple and inheritance of any lands,
tenements or hereditaments under the provisions of the said recited
Acts.

VIII.
Saving of provisions of 3 & 4 Will. 4. c. 37. as to Undertenants who shall not apply for Perpetuities.

Provided always, and be it Enacted, That nothing herein contained shall extend, or be construed to alter or affect the provisions of the said recited Acts, with respect to renewals to be made to inferior tenants holding under leases or contracts containing toties quoties covenants for renewal in the case of any such inferior tenant who shall not apply to his next immediate landlord, pursuant to the provisions of this Act, for a conveyance of the fee simple and inheritance of and in the lands, tenements or hereditaments held by him under such next immediate landlord.

IX.
Commissioners may give Certificates of terms of pur-

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any

time

chase, and call on Tenants by notice to complete purchases.

time after application shall have been made to them for the purchase
of the fee simple and inheritance of and in any lands, tenements or
10 hereditaments pursuant to the said recited Acts or this Act, to cause
such certificate of the terms of such purchase, and of the amount of
purchase-money to be paid on the completion of such purchase, and
of the annual rent to be reserved and made payable in and by the
deed or deeds of conveyance as by the said recited Acts they are
directed to grant to the applicant when so required, to be without
any request on his part delivered to him, together with a notice in
writing to be annexed to such certificate requiring such applicant to
complete such purchase, pursuant to the said recited Acts, within such
time as shall be specified in such notice, not being less than Six
calendar Months from the service thereof; and the said Ecclesiastical
Commissioners may, if they shall so think fit, cause such certificate
and notice to be transmitted to such applicant by post, addressed
to him at his usual place of residence, or to his known agent or
receiver, at the usual place of residence of such agent or receiver;
and for the purposes of this Act such transmission by the post to
such applicant, or his known agent or receiver, shall be deemed
11 good and sufficient service of such certificate and notice; and if such
applicant shall neglect or refuse to complete such purchase within Six
calendar Months after the service of such certificate and notice, or
within such further period as shall be specified in such notice, then
and in every such case such applicant shall be deemed to have re-
nounced such purchase, and his right of preference thereto; and the
said Commissioners shall deduct from the sum deposited or secured,
pursuant to the said recited Acts, by such person so neglecting or
refusing as aforesaid to complete such purchase, such sum or sums
of money as the said Ecclesiastical Commissioners shall find neces-
sary to defray the expenses which they may have incurred in ascer-
taining the terms of such purchase upon his said application: Provided
always, That nothing herein contained shall have the operation or
effect of interfering with the right or depriving any tenant of the
power of calling for or obtaining an arbitration as provided by the
said recited Acts in case he shall be dissatisfied with the terms of
purchase declared by the said Commissioners; and that in the event of
12 such an arbitration being called for and proceeded with by the tenant,
the said notice in writing attached to the certificate hereinbefore
mentioned shall be set aside and a new notice of like form shall be
served on the tenant by the said Commissioners at any time after
the award of the arbitrators who may be chosen shall be declared.

Service of Notice.

On failure to complete Purchase, Commissioners may consider the treaty terminated, and treat with the person next entitled.

Proviso.

X.

Deeds shall be enrolled by depositing Transcripts in the Rolls Office.

And be it Enacted, That in every case in which any deed has been or shall hereafter be executed, which by the provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a transcript of such deed, certified under their seal, to be made upon parchment, and deposited in the hands of the

Transcripts to be arranged in Books for reference.

Transcripts and Certificates for Enrolment not liable to Stamp Duty.

Fee on Enrolment.

Deputy Keeper of the Rolls, or other proper officer of the Rolls Office of the High Court of Chancery in Ireland, who upon receipt thereof shall, without any fiat or other order, cause the same to be preserved in the said Rolls Office, and such transcripts shall be conveniently arranged in books for the purpose of reference and examination; and every such transcript so deposited shall be and be deemed and taken to be an enrolment of such deed to all intents and purposes whatsoever: Provided always, That neither such transcript for enrolment nor any certificate required by the said recited Acts, or either of them, 13
to be given or enrolled, shall be liable to any stamp duty whatsoever, and that no fee shall be demanded or paid for the enrolment of any certificate required by law to be annexed to the enrolment of any such deed as aforesaid, in addition to the fee of Two Shillings and Sixpence payable on enrolment of such deed pursuant to the said first recited Act.

XI.
Searches in Enrolment Books may be made on payment of a fee of 2s. 6d.

And be it Enacted, That it shall and may be lawful for any person whatever to make searches in such enrolment books for the enrolment or enrolments of any deed or deeds which he shall have occasion to examine, and every person making any such search shall pay for the same (including the liberty of taking notes or making extracts from any enrolment or enrolments) a fee of Two Shillings and Sixpence and no more for such day on which he shall make any such search.

XII.
Provision of 3 & 4 Will. 4. c. 37. as to Archbishops, &c. causing Enrolments to be made repealed.
Expenses of Transcripts, &c. to be defrayed by Commissioners.

And be it Enacted, That so much of the said first recited Act as provides that any Archbishop, Bishop or person, other than the said Ecclesiastical Commissioners, shall cause any such deed or deeds to be enrolled, shall be and the same is hereby repealed; and that the 14
said Ecclesiastical Commissioners shall defray the costs and expenses of making such transcript for enrolment, and of enrolling the same in manner aforesaid, out of the purchase-money paid for the purchase of the fee simple and inheritance of and in the lands, tenements or premises comprised in such transcript.

(1) And

13.
Tenants, instead of paying Purchase-money, may execute mortgage at 3½ per centum, payable within 15 years.

(1) And be it Enacted, That it shall and may be lawful for any superior or under tenant who shall, within Two Years next after the passing of this Act, contract and agree for the purchase of the fee simple and inheritance of and in any lands, tenements or hereditaments held under any sole Corporation, or under the said Ecclesiastical Commissioners, pursuant to the provisions of the said recited Acts or of this Act, instead of paying the sum ascertained, agreed or adjudged to be payable for or on account of such purchase, to execute to the said Ecclesiastical Commissioners, in case such purchase-money shall exceed Five hundred Pounds, but not otherwise, a mortgage of the lands, tenements or hereditaments so purchased for securing the payment of such pur- 15
chase-money either by one payment or by instalments of not less than One

XIII. If Tenants purchase Lands held by Two or more leases, a Mortgage may be accepted of the Lands held by any one of them.

16 (1) And be it Enacted, That if any tenant or under-tenant shall be the purchaser of any lands, tenements or hereditaments held under or by virtue of Two or more leases, it shall be lawful for the said Ecclesiastical Commissioners, if in their discretion they shall so think proper, to accept of a mortgage on the lands comprised in any One or more of such leases for the purchase money of the whole, provided that the yearly value of the portion or portions of such lands so proposed to be mortgaged, clear of all rents, charges and outgoings whatsoever, shall be at least Three times the amount of the yearly interest payable in respect of such mortgage.

(2.)

XIV. Forms of conveyances, mortgages, &c. to be prepared by the Commissioners.

And be it Enacted, That the said Ecclesiastical Commissioners shall, 17 with all convenient speed, cause proper forms of the conveyances, mortgages, leases and other documents required for the purposes of the said Acts and this Act to be prepared, and such forms shall be authenticated by the Corporate Seal of the said Commissioners, and deposited in their office, there to be kept and preserved, and such forms may be used for the purposes aforesaid, subject to such exception or variation as from time to time or in any particular case the said Ecclesiastical Commissioners may find necessary or convenient; and such forms so authenticated, or such amended forms in like manner authenticated, as the said Commissioners shall from time to time cause to be prepared, shall be alike good and effectual as if the same were inserted in this Act, and copies of all such forms shall be printed under the directions of the said Commissioners and given to any person demanding the same on payment of the reasonable expense for providing the same.

And

One hundred Pounds each, at any time within Fifteen Years next after the making thereof, with interest in the meantime thereon, or on so much thereof as shall remain from time to time due, at the rate of Three Pounds and Ten Shillings per centum per annum; and every such mortgage shall have priority and precedence over all other charges and incumbrances whatsoever, and shall be subject to all such and the like provisions as by the said recited Act of the third and fourth years of the reign of His present Majesty made in respect of any mortgage for securing the payment of purchase-money to the said Commissioners made under that Act.

(1) Provided further,

15. Mortgages to the Commissioners by virtue of this Act not liable to Stamp Duty.

(2) And be it Enacted, That no mortgage which shall be made to the said Ecclesiastical Commissioners by virtue of this Act, for the purpose of securing the payment of any purchase money as hereinbefore provided, shall be subject or liable to any stamp duty imposed by any Act or Acts now in force, nor to any stamp duty imposed by any future Act or Acts, unless such mortgage shall be specially subjected thereto by such future Act or Acts.

XV.
Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account in Exchequer Bills.

And be it Enacted, That the said Ecclesiastical Commissioners shall cause all such monies as may hereafter accrue to their credit in the Perpetuity Purchase Fund Account mentioned in the said last recited Act, to be invested from time to time (1) *in such public securities as the said Ecclesiastical Commissioners shall think fit*; and the said Ecclesiastical Commissioners shall have power (2) to sell and dispose of the same as occasion shall arise, and apply the proceeds thereof and the dividends and interest arising therefrom to the purposes authorized and directed by the said last recited Act. 18

XVI.
In Leases of See houses, &c. Covenants not to sublet, except with consent of Commissioners, may be inserted, instead of absolute Covenants against subletting.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners in any demise or lease to be made by them pursuant to the said first recited Act of the See house, offices and mensal or demesne lands of or belonging to any Archbishoprick or Bishoprick, to cause to be inserted instead of such clause or covenant against assigning or subletting as by the said Act is required, a clause or covenant making void such demise or lease, in case the premises thereby demised, or any part thereof, shall be sublet or assigned without the previous consent of the said Ecclesiastical Commissioners, testified in writing under their common seal; which consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give upon such terms and subject to such restrictions or conditions as they shall deem expedient: *Provided always, That such consent shall not be construed to authorize or empower any person deriving under the person to whom the said Ecclesiastical Commissioners shall have given such consent as aforesaid, to assign or sublet the premises so demised or leased by the said Commissioners, or any part thereof.*

XVII.
Lessees of See houses, &c. under Leases already made may sublet, with consent of Commissioners.

And be it Enacted, That it shall and may be lawful for the lessee named in any lease or demise heretofore made by the said Ecclesiastical Commissioners of any such See house, offices, mensal or demesne lands, or for the heirs, executors, administrators or assigns of such lessee, by and with the consent, *testified* in writing *under their common seal*, of the said Commissioners, and subject to such terms, conditions and restrictions as shall be expressed therein, to assign or sublet such See house, offices and lands, or such part or parts thereof as shall be specified in such consent, and that no such lease or demise shall be or become void or voidable by reason of such assigning or subletting, with such consent as aforesaid, any thing in such demise or in the said recited Act contained to the contrary hereof notwithstanding. 19

And

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(1) under such regulations as the Commissioners of the Treasury shall direct, in the purchase of Exchequer Bills,

(2) with the consent of the said Commissioners of the Treasury,

XVIII.
Ecclesiastical Commissioners may make Leases and Renewals of Lands belonging to suspended Dignities or Benefices pending suspension.

And be it Enacted, That whensoever under the provisions of the
said Acts or this Act, the appointment, presentation or collation to any
dignity, office, rectory or benefice, has been or shall be suspended,
the Ecclesiastical Commissioners shall for and during such period
as such dignity, office, rectory or benefice shall remain vacant,
have, and at their discretion exercise, by and in their own name
and right, all such powers of leasing and demising any lands (1)
20 *or premises* whatsoever belonging or appertaining or appropriated
to or usually enjoyed with such dignity, office, rectory or benefice,
as, in case no suspension had taken place, any person filling the
same might have had or exercised; and it shall be lawful for the
said Commissioners, in the case of lands (2) *or premises* demised by
leases customarily renewed, from time to time to accept surrenders
of such leases, and to make new leases or renewals of the same
respectively, in like manner to all intents and purposes as the said
Commissioners are authorized and required to do in respect of any
lands *or* premises (3) at any time belonging to any Bishoprick, and
which may have been transferred to and vested in them by virtue
of the said Acts; and that it shall be lawful for the respective
tenants, lessees or undertenants of any such lands (4) *or premises*
during the suspension of such appointment, presentation or collation
as aforesaid, to apply to the said Commissioners for the purchase of a
perpetual estate and interest of and in any such lands (5) *or premises*
21 in like manner as such tenants, lessees or undertenants respectively
could or might have done by virtue of the said recited Acts or this
Act, in case the appointment, collation or presentation to such dignity,
office, rectory or benefice had not been so suspended; and in case of
any such application, all such and the like proceedings shall be had
as by the said Acts prescribed in the case of any application for the
purchase of the fee simple and inheritance of and in any lands *or*
premises (6) at any time belonging to any Bishoprick, and which may
have been transferred to and vested in the said Commissioners by
virtue of the said Acts.

Tenants of such Lands may purchase Perpetuities pending suspension.

XIX.
Rents reserved on Leases made during suspension to be payable to persons subsequently appointed to Dignities or Benefices, and their successors.

And be it Enacted, That in case of the removal of any such suspension
as aforesaid, all leases, demises, renewals or conveyances theretofore
made as aforesaid by the said Ecclesiastical Commissioners, shall
be and remain valid and binding to all intents and purposes whatsoever;
provided that in the case of the removal of such suspension,
all rent, covenants and reservations made payable by or contained in
22 such lease, demise, renewal or conveyance shall, from and after the
time

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(1) tenements or hereditaments

(2) tenements or hereditaments

(3) or hereditaments

(4) tenements or hereditaments

(5) tenements or hereditaments

(6) or hereditaments

time when such dignity, office, rectory or benefice shall have been filled, become and be payable to and inure for the benefit of the person appointed, collated or presented to such dignity, office, rectory or benefice, and his successors, who shall have all such and the like remedies for enforcing payment or performance of such rent, covenants and reservations as if the same had been expressly made payable to, or reserved or covenanted with or by the person filling such dignity, office, rectory or benefice, and his successors.

XX.
In cases of Petitions under 3 & 4 Will. 4. c. 37. s. 102. for recovery of Stipends of officiating Clergymen, Certificate of Archbishop or Bishop shall be evidence of the liability of Impropriator.

AND whereas it is expedient to make more effectual provision for enforcing payment of stipends or salaries for the maintenance of officiating Clergymen in parishes whereof the Tithes are appropriate or impropriate, and the owners thereof are bound to maintain such Clergymen: And whereas by the said recited Act of the third and fourth years of His present Majesty's reign it was provided, that in any case where the owners of Impropriations or Impropriate Tithes are by law bound, but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, it should be lawful for the said Ecclesiastical Commissioners, or for the Archbishop or Bishop of the
Diocese, to present a Petition to the Court of Chancery or Exchequer 23
in Ireland, praying relief, and such Courts were authorized and required to hear such Petition in a summary way, and to make such order therein as should appear just: And whereas it is expedient to extend the said recited provisions of the said Act; BE it therefore Enacted, That the same shall be deemed and taken to extend and shall extend to cases where the owners of Appropriations or Appropriate Tithes are by law bound but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, in like manner and as fully to all intents and purposes as to cases where the owners of Impropriations or Impropriate Tithes are so bound and so refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister.

XXI.
What is to be deemed Evidence of Liability to pay Stipend or repair Chancels.

And be it Enacted, That in case in which any Petition shall be presented pursuant to the said recited Act or this Act for the repair of any chancel, or for recovery of any stipend or salary of an officiating Minister, or any arrears thereof, the Certificate of the Archbishop or Bishop of the Diocese in which the church or parish is situate, that such chancel has been repaired or such salary usually paid to the officiating Minister of such parish, or that such chancel has at any time been agreed to be repaired or such salary to be paid by the owner or owners of the Impropriation or Appropriation or Appropriate or
Impropriate Tithes, as the case may be, of such parish, shall be primâ 24
facie evidence of the liability of such owner or owners to pay such stipend or salary or repair such chancel, as the case may be, and every such stipend or salary shall be a charge upon such Appropriate or Impropriate Tithes, paramount to all other charges whatsoever.

And

XXII.
Court may appoint Receiver.

And be it Enacted, That it shall and may be lawful for the Court to which any such Petition shall be presented, to appoint a Receiver over any such Appropriate or Impropriate Tithes for payment of any such repairs, stipend or salary, or arrears thereof, or to direct that any Receiver already appointed over such Tithes shall pay such repairs, stipend or salary to the person entitled to receive the same, in preference and priority to all other charges whatsoever.

XXIII.
If Impropriator in any Parish not having Vicar or Curate endowed shall not contribute to the maintenance of an officiating Minister, the Commissioners, on Certificate of the Archbishop, &c. may fix a Stipend to be paid by the Impropriator.

And be it Enacted, That whensoever the Impropriator or Appropriator or owner of the Appropriate or Impropriate Tithes of any parish not having a Vicar or Curate endowed, shall not maintain an officiating Minister in such parish, or shall not have agreed to pay a stipend or salary for or towards the maintenance of such officiating Minister, being by law bound to maintain such Minister, then and in every such case it shall and may be lawful for the Archbishop or Bishop of the Diocese in which such parish is situate, to certify to the Ecclesiastical Commissioners that there is no Vicar endowed, nor any stipend paid to any Curate, or other provision made by such Appropriator or Impropriator for the discharge of the spiritual duties of such parish, and that it is fit and proper that an officiating Minister should be maintained within the same, and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable stipend to be paid by the Impropriator or Appropriator or owner of the Appropriate or Impropriate Tithes of such parish, having regard to the annual value of such Impropriate Tithes, and to the extent of the duty to be performed in such parish, and the said Ecclesiastical Commissioners shall cause to be lodged in the registry of the Diocese in which such parish shall be situate, a Certificate under their seal of the amount of the stipend so ascertained, and shall also transmit to the owner, or if more than one, to each of the owners of the Impropriate or Appropriate Tithes of such parish, a copy of the said Certificate.

Certificate of the amount of Stipend to be lodged in the Registry.

XXIV.
Stipend shall be a paramount charge on the Impropriate Tithes, and shall be payable from the lodging of the Certificate.

And be it Enacted, That the amount of the stipend so fixed and ascertained as aforesaid shall be a charge on the Impropriate Tithes of such parish paramount to all other charges whatsoever, and shall from and immediately after the lodging of such Certificate in the registry of the Diocese be paid and payable to the officiating Clergyman of such parish for the time being by equal half-yearly payments, and such officiating Clergyman shall be nominated and appointed from time to time, in such manner and subject to such provisions and regulations as the Curate of any Curacy augmented by the Trustees and Commissioners of First Fruits pursuant to any Statutes heretofore in force in Ireland: Provided always, That the amount of the salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed Ten Pounds for every Hundred Pounds of the annual value of the Impropriate or Appropriate Tithes

Amount not to exceed 10 *l.* per centum on the value of the Tithes ascertained by Certificate of Composition.

Tithes of such parish, as the same shall have been ascertained by the Certificate of the Commissioners appointed to carry into effect the composition for Tithes in the said parish.

XXV.
Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such Corporations as have duties to perform.

AND whereas it appears by the Report of certain Commissioners constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in Ireland, bearing date the Fifteenth 27
day of April One thousand eight hundred and Thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various names, and that some of such Corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them; BE it therefore Enacted, That the right, title and interest in and to all lands, tithes, rents, profits and other emoluments heretofore held and enjoyed by *the Vicars Choral of the Cathedral Church of Saint Patrick's, Cashel, or by* any (¹) Corporation of or belonging to any Cathedral Church in Ireland, known by the names of Minor or Petty Canons, Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, *or by any other name, and whether sole or aggregate, who shall not discharge any duty, or shall not discharge duties commensurate with the extent of their emoluments,* shall, *in the case of the said Vicars Choral of the Cathedral Church of Saint Patrick's, Cashel,* from and after the passing of this Act, *and in the case of each and every such other Corporation as aforesaid, whensoever the Lord Lieutenant in Council shall, on the recommendation of the said Ecclesiastical Commissioners, think fit so to direct,* vest in the said Ecclesiastical Commissioners, subject nevertheless to all (²) *valid* leases, charges and incumbrances, (³) now affecting the same, and that the rents, issues and profits thereof 28
shall be by the said Ecclesiastical Commissioners applied during the lives of the present members of such Corporations respectively to their use in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of the respective members of such Corporations, adequate provision be made out of such rents, issues and profits for the due maintenance of such and so many of his or their successors as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such Corporations respectively in cases where such provision is not made from other sources; and that the surplus of such rents, issues and profits from time to time accruing to the said Ecclesiastical Commissioners shall be carried

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(¹) and every (²) existing (³) legal or equitable, carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and be in all respects subject to such and the like restrictions and conditions.

XXVI.
For removing doubts as to the provisions of the recited Act respecting the Precentorship of Christ Church, Dublin.

29 AND whereas by the hereinbefore recited Act passed in the fourth and fifth years of His Majesty's reign, the Lord Lieutenant or other Chief Governor or Governors of Ireland and His Majesty's Privy Council there, are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an Archbishoprick or Bishoprick, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant, all and every the tithes, glebes, lands, rents, profits and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said Act: AND whereas doubts 30 have arisen whether the provisions of the said Act apply to the case of the Precentorship of the Church of the Holy and Undivided Trinity, otherwise called Christ Church, in Dublin, now vacant by reason of the cure of souls in certain parishes belonging in contemplation of law to the said Precentor, although in fact such Cure has not been served by the occupant of such dignity, nor by any resident Curate employed at a sufficient stipend: AND whereas it is expedient to remove such doubts, and also further to explain the said Act; BE it therefore Enacted, That the hereinbefore recited provisions of the said Act shall be taken to extend to the said Precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not for (1) Three Years next preceding the (2) *First day of January last* have continuously served the cure of souls in such parish or parishes, either personally or by a (3) *Curate licensed thereto, or in case the appointment, presentation or collation of any Clerk to such Parish or Parishes shall have been suspended or hereafter shall be suspended under and by virtue*

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(1) the term of (2) passing of this Act

(3) resident Curate remunerated by a sufficient stipend;

virtue of the said recited Act of the third and fourth years of His present Majesty's reign; and also that the said provisions of the said Act shall be taken to extend to all such offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same 31 may not be ecclesiastical offices, nor held by ecclesiastical persons, and also to all cases where Tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where Lands only, or Land as well as Tithes, may have been so held and enjoyed or appropriated, or where the same may be under lease: Provided always, That if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such Curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such Curate, not exceeding One hundred Pounds per annum, as they may think necessary, with regard to the duties to be by him discharged.

XXVII.
Tithes, &c. disappropriated from Dignities, &c. may be carried to general Fund under administration of Ecclesiastical Commissioners.

AND whereas by the said recited Act of the third and fourth years of His present Majesty's reign, as the same is amended by the said Act of the fourth and fifth years of His Majesty's reign, authority is given 32 to the said Lord Lieutenant or other Chief Governor or Governors and Council, on the next avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend or Canonry, or with the consent of the Incumbent thereof, to disappropriate, disunite and divest from and out of the same any Rectory, Vicarage, Tithes or portion of Tithes and Glebes, or part or parts thereof, and to unite any such Rectory, Vicarage, Tithes or portion of Tithes, or Glebes or part thereof, to the Vicarages or perpetual or other Curacies of such parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage or Curacy, or to erect the same into a distinct Parish or Benefice: AND whereas difficulties have arisen in carrying the provisions of the said Acts into effect by reason of the existence of leases of Tithes or portions of Tithes and Lands, sometimes included in one and the same demise, and sometimes situate in or arising out of several parishes, and doubts have arisen whether the said provisions extend to mensal or demesne lands; FOR remedy whereof, be it Enacted, That the said provisions shall be deemed and taken to extend to and comprise all and every Tithes or portions of Tithes, whether under lease or otherwise, and all lands mensal, demesne or otherwise 33 belonging or appertaining, or anywise held or enjoyed in right of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, whether such Tithes or Lands shall arise out of or be situate in one or more parishes.

Provisions of recited Acts explained.

XXVIII. In case disappropriated Lands, Tithes, &c. cannot be conveniently united to neighbouring Vicarage or Curacy, or that such Vicarage or Curacy is already sufficiently endowed, the Lands, Tithes, &c. disappropriated shall be transferred to the Ecclesiastical Commissioners and be by them carried to the general fund under their administration.

And be it Enacted, That in any case where the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit in the exercise of the powers conferred upon them by the said Acts and this Act to disappropriate, disunite and divest from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, any Rectory, Vicarage, Tithes or portion of Tithes or Lands, or part or parts thereof, which by reason of the existence of any such leases as aforesaid, or for any other reason cannot be conveniently appropriated or united to any adjoining or neighbouring Rectory, Vicarage or Curacy, or in case such Rectories, Vicarages or Curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant, or other Chief Governor or Governors and Council, to order that such Rectory, Vicarage, Tithes or portion of Tithes or Land, or part or parts thereof, so disappropriated, disunited and divested as aforesaid, shall be transferred to the said Ecclesiastical 34 Commissioners; and the right and interest in and to the same and all arrears thereof shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general fund under their administration, but charged with and subject nevertheless to the payment of such annual or periodical sum or sums of money, if any, as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit to direct to be paid to any Rector, Vicar or Curate, their or his successors, whose Rectory, Vicarage or Curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the provisions of the said Acts, any such disappropriated Rectory, Vicarage, Tithes or portions of Tithes or Lands might have been appropriated and united.

XXIX. Ecclesiastical Commissioners shall have like power of making Leases and granting perpetuities in disappropriated Lands, &c. as in Lands, &c. belonging to suspended Dignities.

And be it Enacted, That the said Ecclesiastical Commissioners shall have all such and the like powers of making or renewing leases, or of conveying a perpetual estate or interest of and in any lands (1) *or premises* which may become vested in them by virtue of any such 35 disappropriation order as aforesaid, as hereinbefore conferred upon them in respect of any lands (2) *or premises* which may become vested in them by virtue of any such suspension order as hereinbefore mentioned; and all and every the provisions hereinbefore contained in respect of such lands (3) *or premises* as may be vested in the said Commissioners by any such suspension order, and the making leases and renewals and conveyances thereof, shall apply and extend to lands (4) *or premises* vested in them by any such disappropriation order, and the making leases, renewals and conveyances thereof.

WHEREAS

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(1) tenements or hereditaments (2) tenements or hereditaments
(3) tenements or hereditaments (4) tenements and hereditaments

XXX.
Ecclesiastical Commissioners not to grant a perpetual Estate to any tenant now holding by lease, Tithes appropriated to any Ecclesiastical Benefice.

WHEREAS by reason of the insufficiency of the endowment of the Vicarages in several parishes, the Rectorial Tithes whereof are appropriated to Archbishopricks, Bishopricks, and other ecclesiastical Dignities, Prebends and Canonries in Ireland, by reason whereof it has become necessary from time to time to unite two or more of such Vicarages into one benefice, to the disadvantage of the spiritual interests and concerns of such Vicarages respectively; BE it therefore Enacted, That from and after the passing of this Act it shall not be lawful for the said Ecclesiastical Commissioners acting in pursuance of the provisions of the said recited Acts, in the name and on the behalf of any Archbishop, Bishop, Dignitary, Prebendary or Canon, to grant a perpetual estate or interest to any tenant now holding or who may hereafter hold any Tithes or Compositions for Tithes appropriated to such Archbishopricks, Bishopricks, Dignities, Prebends or Canonries, under or by virtue of any lease or contract.

XXXI.
After the next avoidance of any dignity, the Commissioners may declare that the lease shall not be renewed; and, upon application of the tenant to accept the value in money, may estimate the value thereof.

And be it further Enacted, That at any time from and after the next avoidance of any Archbishoprick, Bishoprick, Dignity, Prebend or Canonry as aforesaid, in which it may be deemed expedient so to do, it shall and may be lawful for the said Ecclesiastical Commissioners, in case any Tithes or Compositions for Tithes shall be disappropriated therefrom, by instrument under their common seal, to declare that the Lease or Contract by which such Tithes or Compositions for Tithes are now or hereafter may be held shall not be renewed; and in order to prevent any loss or damage to the tenant or tenants now holding or who may hereafter hold such Tithes or Compositions for Tithes by virtue of such Lease or Contract, by reason of the same not being capable of being renewed as heretofore, it shall and may be lawful for the said Commissioners, upon the application of any such tenant or tenants, declaring his or their readiness to accept the value in money of his or their estate or interest in such Lease or Contract as if the same were still capable of renewal, to estimate and compute the value thereof accordingly; and in case such tenant or tenants shall think fit to accept the same, he or they shall thereupon convey his estate and interest in such Lease or Contract to the said Ecclesiastical Commissioners, and such Tithes or Compositions for Tithes shall thereupon be freed and discharged from all debts, liabilities and incumbrances of such tenant or tenants, or of any person or persons deriving under him, her or them, or of any person or persons under whom he, she or they may derive:

Proviso.

Provided nevertheless, That the purchase money for such estate and interest shall become subject and liable to all such and the like engagements, liabilities, uses, trusts, intents and purposes as may affect the estate or interest of such tenant or tenants in the Lease or Contract of said Tithes or Compositions for Tithes, and shall be paid to such tenant or tenants on his making out title thereunto; and if he, she or they shall not make out a

sufficient

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sufficient title thereto, such purchase money shall be paid into the Bank of Ireland, to the credit of the Accountant-General of the Court of Chancery in Ireland, and to the credit of the Master, upon an order for that purpose, to be obtained upon petition in a summary way, and shall be disposed of by such Court by order in like manner to be obtained, as may be just.

XXXII. *After conveyance, the interest of such tenant to vest in the Commissioners.*

And be it further Enacted, That from and after the conveyance of the estate or interest of every such tenant or tenants in and to such Tithes or Compositions for Tithes to the said Ecclesiastical Commissioners as aforesaid, the same shall be and remain for ever vested in the said Ecclesiastical Commissioners, and be by them applied, as and when the same shall be received, in the first instance in liquidation and discharge of the purchase money and expenses incurred by them in the purchase thereof, with legal interest until the same shall be fully and entirely paid off, and from thenceforward in the augmentation of small Benefices under the provisions of the said recited Acts.

XXXIII. An annual sum of £.1,500 to be paid to Dr. Kyle, Bishop of Cork and Ross and Cloyne, in order to make his present revenue equal to that he had before the union of the Sees.

AND whereas by and under the provisions of the said recited Act of the third and fourth years of His present Majesty's reign, the Bishoprick of Cork and Ross has become united to the Bishoprick of Cloyne, and Doctor Samuel Kyle being at the passing of the said Act, and at the time when the said Bishopricks became united as aforesaid, Bishop of Cork and Ross, has become and now is Bishop of the said united Bishopricks of Cork and Ross and Cloyne: AND whereas upon such union as aforesaid, all and singular the lands, tene-
36 ments and hereditaments, with all and singular the tithes, rents and emoluments appertaining or belonging to the said Bishoprick of Cork and Ross were, by virtue of the said Act, transferred to and vested in the said Ecclesiastical Commissioners, saving and excepting the See house and offices and mensal and demesne lands to the said Bishoprick of Cork and Ross belonging, which became thereafter by the said Act the See house and offices and mensal or demesne lands of the said united Bishopricks of Cork and Ross and Cloyne, and the said Doctor Samuel Kyle became possessed of and entitled to the revenues of the said Bishoprick of Cloyne, saving and excepting to the See house and mensal or demesne lands thereunto belonging, which the said Ecclesiastical Commissioners were authorized to let or demise for such rent or fine as they should think fit: AND whereas the said Ecclesiastical Commissioners are authorized and required by the said Act, out of the revenues of the said Bishoprick of Cork and Ross so vested in them as aforesaid, to make good to the said Doctor Samuel Kyle the sum
37 or sums of money, if any, whereby the revenues of the said Bishoprick of Cloyne shall fall short of the revenues of the said Bishoprick of Cork and Ross: AND whereas the revenues of the said respective Bishopricks, being in great measure dependent on fines paid on the renewal of leases,

leases, are liable to uncertainty and variation, and an annual valuation of the said several Bishopricks would be troublesome and inconvenient: AND whereas it has been found, upon a comparison of the relative average value of the said several Bishopricks, that the revenues of the said Bishoprick of Cloyne fall short of the revenues of the said Bishoprick of Cork and Ross by the annual sum of One thousand five hundred Pounds, or thereabouts, and the said Doctor Samuel Kyle consents to receive such annual sum of One thousand five hundred Pounds in full acquittance and discharge of the payment which the said Ecclesiastical Commissioners ought to make to him under the provisions of the said Act; BE it therefore Enacted, That the said annual sum of One thousand five hundred Pounds shall be deemed and taken to be the sum whereby the revenues of the said Bishoprick of Cloyne fall short of the revenues of the said Bishoprick of Cork and Ross; and that the said Ecclesiastical Commissioners shall pay to the said Doctor Samuel Kyle, in each 38
and every year during his incumbency of the said united Bishopricks of Cork and Ross and Cloyne, the said annual sum of One thousand five hundred Pounds, commencing from the Fourteenth day of September One thousand eight hundred and Thirty-five, and that the first payment thereof shall be made on the Fourteenth day of September in this current year One thousand eight hundred and Thirty-six, by one entire payment; and that the future payments thereof shall be made by equal moieties, one moiety on the Fourteenth day of March, and the other moiety on the Fourteenth day of September in each and every succeeding year, during the incumbency of the said Doctor Samuel Kyle in the said united Bishopricks: Provided always, That the said annual payment shall be apportioned so and in such manner that on the demise or translation of the said Doctor Samuel Kyle, or other determination of his said incumbency, the said Ecclesiastical Commissioners shall pay to him, or his executors, administrators or assigns, a proportion of such annual sum, according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the demise or translation of the said Doctor Samuel Kyle, 39
or other determination of his said incumbency in the said united Bishopricks: Provided also, That the income of the present Bishop of Cork *and Ross and Cloyne* during his Incumbency be free from the Tax chargeable under the provisions of the said recited Act of the third and fourth years of the reign of His present Majesty.

XXXIV.
Provision of 4th & 5th Will. 4, c. 90, relating to costs of Solicitor amended.

AND whereas it is provided by the said Act of the fourth and fifth years of the reign of His present Majesty, that no sum shall be paid by the said Ecclesiastical Commissioners to any Attorney or Solicitor as and for costs, charges or expenses, unless the amount of such payment shall first have been approved of by the Lords of the Treasury, and that no sum exceeding One thousand Pounds shall be allowed in any one year by the Lords of the Treasury, as and for the costs, charges or expenses

of any such Attorney or Solicitor, and that before any such sum shall be allowed by the said Lords Commissioners of the Treasury on such account as aforesaid, the particulars of all such costs and expenses shall be laid before them: And whereas it is necessary to explain the said hereinbefore recited provision; BE it therefore hereby Enacted
40 and Declared to be the intent and meaning of the said Act, That no sum exceeding One thousand Pounds shall be allowed in any one year for the personal services of any such Attorney or Solicitor, but that no disbursements nor expenses actually and properly made or incurred by such Attorney or Solicitor in and about the affairs and business of the said Ecclesiastical Commissioners, and by their authority
41 and direction, shall be deemed or taken to be included in the said sum of One thousand Pounds, or form part thereof.

XXXV.
Former Acts, save as altered, to be construed together with this Act.

Act may be altered this Session.

42 And be it further Enacted, That the said several recited Acts of Parliament shall continue in full force and effect, save and except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as one Act to all intents and purposes; and that this Act may be altered, amended or repealed by any Act or Acts to be passed in the present Session of Parliament.

XXXVI.

AND whereas it is enacted by the said first recited Act, that in all cases where under and by virtue of an Act made in the twenty-first year of the reign of King George the Second, intituled, "An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other members of Cathedral Churches, and for appropriating others in their stead, and also for the removal of the Sites of ruined Cathedral Churches," any Parochial Church shall have been or shall be made or shall become by usage or custom Cathedral and Parochial; and in all cases where, under and by virtue of an Act made in the Parliament of Ireland in the thirty-ninth year of the reign of King George the Third, intituled, "An Act for the repairing of Cathedral Churches in cases where the Parish Churches have been long in Ruins," any Cathedral Church shall have been or shall be made use of as a Parish Church, it shall and may be lawful for the said Commissioners and they are thereby required to contribute to the repairs of such Cathedral and Parochial Churches in such proportion as has been agreed upon by and between the Dean and Chapter or Chapters of such Cathedral Church and by the Protestant Inhabitants of the Parish or Union in which such Church is situate that the Inhabitants thereof should contribute to the rebuilding, enlarging and putting into and keeping in repair of such Cathedral and Parochial Churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors

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of Ireland and the Privy Council thereof, upon petition of the Dean and Chapter or of the said Commissioners, finally to adjust and ascertain the proportions in which such Deans and Chapters or Chapters and said Commissioners shall so respectively contribute for the purposes aforesaid; and the sums necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said Deans and Chapters and the said Commissioners respectively: And whereas it is just and reasonable that such Deans and Chapters should in certain cases be relieved in the whole or in part from the burthen of contributing to the repairs of such Cathedral Churches;

Providing for the Repairs of Cathedral Churches.

BE it therefore Enacted, That in case there shall be no Economy Fund or Chapter or other property appropriated to the purpose of rebuilding, enlarging and putting into and keeping in repair of any such Cathedral Church, or no such Economy Fund, Chapter or other property adequate or sufficient for such purpose, it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, by writing under their seal, to certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland in Council that there is no such Economy Fund, Chapter or other property appropriated to the purpose of repairing such Cathedral Church, or no such Fund or property adequate and sufficient for that purpose, and that it is just and reasonable that the said Commissioners should defray the whole of the sums necessary for such purpose, or that the said Commissioners and the Dean and Chapter or Chapters should contribute for such purpose in such proportions as shall in such writing be specified; and in case the Lord Lieutenant or other Chief Governor or Governors of Ireland, and the Privy Conncil thereof, shall signify his and their approval of the matters specified in such certificate, then and in such case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required from time to time to pay the whole of the sums necessary for such purpose as aforesaid, or such proportion thereof as shall be specified in such certificate, subject to such regulations as in the said recited Acts and this Act or any or either of them are contained with respect to monies to be expended for such purposes: Provided always, That such Dean and Chapter or Chapters shall from time to time contribute for such purpose as aforesaid such proportion as shall be specified in such certificate as just and reasonable to be contributed by such Dean and Chapter or Chapters.

Church Temporalities.

(Ireland.)

A

BILL,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT to amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

Ordered, by The House of Commons, *to be Printed,*
17 *August* 1836.

578.